

EXHIBIT 268

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MINNESOTA

3 -----X

4 IN RE: : Court File No.

5 PORK ANTITRUST LITIGATION : 0:18-cv-01776-JRT-HB

6 Plaintiff,:

7 -----X

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9 REMOTE VIDEOTAPED STENOGRAPHIC DEPOSITION OF

10 JEFFREY ALLISON

11 Friday, March 18, 2022

12 10:03 a.m.

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22 Job No.: 832183

23 Pages: 1 - 153

24 STENOGRAPHICALLY REPORTED BY:

25 GISELLE MITCHELL-MARGERUM, RPR, CRI, CCR, LCR, CSR

1 we're in -- in Exhibit A. What does Exhibit A
2 refer to?

3 A. The receipts.

4 Q. Okay.

5 A. That I provided.

6 Q. Okay. Aside from the receipts that
7 you have provided, do you have any other
8 knowledge of instances where you purchased
9 pork from one of the defendants?

10 A. I've purchased pork many, many
11 times.

12 Q. Do you recall purchasing it from --
13 I'm just trying to figure out what brands you
14 purchased -- you purchased.

15 Was it Smithfield? Was it
16 Hormel? Was it store brand? Do you have any
17 recollection?

18 MR. GREAVES: Objection. Lack
19 of personal knowledge.

20 THE WITNESS: Yeah.

21 MR. KOPP: Okay. I'm not --
22 can you explain that objection? I mean,
23 if he is the one buying the pork, how
24 would he not have personal knowledge of
25 what the brand was?

1 a commodity product? Or do they differ based
2 on processor? Do they differ based on cut?

3 Can you explain that to me?

4 MR. GREAVES: Objection. Form.

5 A. I don't know.

6 Q. Okay. What about pork bellies? Do
7 you buy pork bellies?

8 A. I have.

9 Q. Okay. And how frequently do you buy
10 pork bellies?

11 A. I don't know the frequency.

12 Q. Like once a year --

13 A. On occasion.

14 Q. Once a month? Occasionally?

15 A. Yes.

16 Q. Okay. What about jowls? Do you buy
17 jowls?

18 A. No.

19 Q. Okay. Tenderloins? Pork
20 tenderloins?

21 A. I believe I have. Not frequently.

22 Q. Okay. What about pork chops?

23 A. Sometimes. Yes.

24 Q. Pork steaks?

25 A. No.

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MINNESOTA

3 -----X

4 IN RE: : Court File No.

5 PORK ANTITRUST LITIGATION : 0:18-cv-01776-JRT-HB

6 -----X

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8 REMOTE VIDEOTAPED STENOGRAPHIC DEPOSITION OF

9 MICHAEL ANDERSON

10 Monday, April 25, 2022

11 10:32 a.m. Mountain Time

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22 Job No.: 2022-836283

23 Pages: 1 - 138

24 STENOGRAPHICALLY REPORTED BY:

25 GISELLE MITCHELL-MARGERUM, RPR, CRI, CCR, LCR, CSR

1 Albertson's and Safeway, than I would see
2 brand in Costco or Sam's Club.

3 Q. Okay. And how about Winco? Why do
4 you like to shop there?

5 A. It's owned by the people. And you
6 can check out, and they have --

7 Q. I didn't catch the second half of
8 your answer.

9 A. Oh. I'm sorry.

10 Q. Could you say that again?

11 A. Yeah. I said because it has bulk
12 items. And when you have a seven-year-old,
13 she kind of likes cookies and candies, so it's
14 kind of nice.

15 Plus, it's very large. And they
16 have every brand known to man.

17 Q. Okay. And does that include pork?

18 A. Yes.

19 Q. They've got a good variety?

20 A. Yes. They do. They have everything
21 from pork necks; to ham hocks; to pig's feet.
22 And everything in-between.

23 Q. Do you buy hocks and pig's feet?

24 A. I have bought smoked ham hocks
25 before for some beans, and they were pretty

1 good.

2 Q. And you have --

3 A. And it was actually the -- and it
4 was actually the Hormel brand.

5 Q. And how do their prices compare to
6 Costco?

7 A. Well --

8 Q. Or Sam's Club? Or Safeway?

9 A. Their --

10 Q. Or Alberta's?

11 A. Their price is really good. They
12 are a little bit in the middle. But having so
13 much variety, they are able to -- when they do
14 have sales, they have a lot in stock.

15 Q. And have you been shopping at all
16 these stores since 2008?

17 A. The only one that we have not since
18 2008 is Winco, because they just came to the
19 valley approximately seven years ago.

20 Q. Okay. And as far as you can
21 remember, you primarily bought pork products
22 only at these five stores since 2008?

23 A. Yes.

24 Q. So, earlier, you said that you lived
25 out of state for approximately -- well, for a

1 Q. Is there any other types of pork
2 products that you buy that are not listed
3 here?

4 A. Some bacon, once in a while, at
5 Albertson's. And some sausage from Winco.

6 Q. Okay. And the "Amount Purchased"
7 column is empty. Does that mean you just
8 don't remember how much you purchased?

9 A. I --

10 MR. MALMSTROM: Object to the
11 form of the question.

12 Q. You could go ahead and answer.

13 A. I had saved -- I had saved receipts.
14 But the problem was, is when we moved and we
15 shuffled this house around, I was not able to
16 find those.

17 So I was not able to remember the
18 exact value.

19 Q. Okay. Sitting here today, are you
20 able to -- you know, as best as you can, are
21 you able to approximate how much you buy from
22 each store, let's say, in a month?

23 A. About -- just in pork products? I'd
24 say about a hundred, to maybe \$125 a month.

25 Q. And do you remember approximately

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

Case No. 0:18-cv-01776-JRT-HB

IN RE PORK ANTITRUST LITIGATION

This Document Relates to: All Actions

CONFIDENTIAL

REMOTE TESTIMONY OF ISABELLE BELL

MAY 10, 2022 - 10:00 A.M. CDT

JOB NO. 2022-843066

1 about whether Smithfield -- about where

2 Smithfield Foods harvests its pigs?

3 A I do not.

4 Q Do you know if Smithfield -- do

5 you have any information about whether

6 Smithfield Foods produces other meat

7 products, like beef or chicken?

8 A I am unsure.

9 Q To your knowledge, have you ever

10 purchased any pork produced -- pork

11 products produced by Smithfield Foods?

12 MR. AMARA: Objection.

13 Foundation.

14 THE WITNESS: Yes.

15 BY MR. HALL:

16 Q And what products have you

17 purchased that you understand to have

18 been produced by Smithfield Foods?

19 A Ham.

20 Q Anything else?

21 A Not that I remember.

22 Q Just so I am aware, when you say

1 from Walmart?

2 A It would be the same; bacon,
3 sausage, pork chops, pork ribs, pork
4 loin, ham -- that whole ham or ham shank.

5 Q And then in Tennessee, from
6 Kroger and Walmart, what kind of pork
7 products would you purchase?

8 A Again, the same; sausage, bacon,
9 pork chops, pork loin, very occasionally
10 I will get a pork roast, ham shank, whole
11 ham, ribs.

12 Q Has your purchases of pork in
13 terms of frequency remained consistent
14 throughout 2008 through 2018?

15 A It is gradually declined, but we
16 do like pork.

17 Q How often during this timeframe
18 from 2008 to 2018, how often, say, per
19 week, were you purchasing pork products?

20 A Averaging once per week or --
21 well, one shopping trip per week.

22 Q Do you have anything like a

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

_____)
_____)
IN RE: _____) Case No.
PORK ANTITRUST LITIGATION _____) 0:18-cv-01776-
_____) JRT-HB
_____)

VIDEOCONFERENCE DEPOSITION OF DUNCAN BIRCH

Remote via Zoom

Thursday, March 3, 2022

Reported by:

RACHEL F. GARD, CSR, RPR, CRR

JOB NO. 2022-832737

1 Seamless, I believe.

2 Q. Not in Maine?

3 A. I don't believe so. We tend to go
4 directly to the place because we find that
5 those vendors are a little, you know, too much
6 involved with them.

7 Q. What do you mean by that?

8 A. It's too complicated. I'd rather
9 just pick up the phone and talk to someone. Up
10 in Maine, they're not as adept at using them.
11 I hope that's not being recorded.

12 Q. Do you know which defendants
13 produced the pork you bought while you were in
14 Maine from 2018 on?

15 A. I believe some of it said
16 Smithfield, which would be my primary
17 indicator. But I didn't really buy them by
18 producer. I bought them by type of pork
19 product. We have the good old Jimmy Dean
20 breakfast sandwich -- breakfast sausage, sorry.

21 Q. How do you know some of the pork you
22 bought was from Smithfield?

23 A. I believe it had the big letters,
24 Smithfield ham.

25 Q. So the ham you bought was from

1 box store is like 10 bucks.

2 Q. Understood. And then two columns
3 over, there's an entry -- under column heading
4 Brand, there's an entry for Smithfield and
5 Hormel. Do you see that?

6 A. Yes.

7 Q. We talked about Smithfield earlier,
8 right?

9 A. Yes.

10 Q. What are the Hormel products you
11 believe you bought from BJ's Warehouse?

12 A. I believe it would be some frozen
13 pork product. I'm not a hundred percent at
14 this moment as to the name.

15 Q. When you provided the information
16 for these interrogatories, were you looking at
17 documents to get the information or were you
18 relying solely on your memory?

19 A. I was probably -- I was probably
20 like looking at the product and flipping it
21 over to, you know, read where it came from.

22 Q. But you don't remember for sure?

23 A. Not at this moment, no, sorry.

24 Q. Are you claiming damages for the
25 pork products you testified you purchased from

1 with the grocery store in Brooklyn. So, for
2 example, if there were -- if there had been
3 cheaper pork products at another store in
4 Brooklyn, it still might have been worth it for
5 you to hit the store you actually used because
6 it was on your commute; is that fair to say?

7 A. In Brooklyn, we would go to the
8 butcher, you know, for our meat products
9 because we had a rapport with him. So and, you
10 know, C-Town was the sole grocery store --
11 well, the closest grocery store to us and it
12 was at the subway stop. So we could, you know,
13 get off the subway and pick up eggs or milk if
14 we needed to. Mainly we would do grocery
15 shopping on the weekend, and we would walk
16 there.

17 Q. How did the prices at your butcher,
18 Model T Meats, compare to the price of pork
19 that was available elsewhere?

20 A. I want to say generally cheaper.
21 You know, it was known as a good butcher in the
22 neighborhood.

23 Q. So it sounds like convenience,
24 proximity to your house, price, and rapport all
25 factor into your decision of where to get --

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Court File No. 0:18-cv-01776-JRT-HB

IN RE:

PORK ANTITRUST LITIGATION

ORAL VIDEOTAPED DEPOSITION

KORY BIRD

MARCH 8, 2022

ORAL VIDEOTAPED DEPOSITION OF KORY BIRD, via Zoom,
produced as a witness at the instance of the Defendants
Tyson Foods, Inc., Tyson Prepared Foods, Inc. and Tyson
Fresh Meat, Inc., and duly sworn, was taken in the
above-styled and numbered cause on the 8th day of March,
2022, from 9:00 a.m. to 12:54 p.m., before Melinda
Barre, Certified Shorthand Reporter in and for the State
of Texas, reported by computerized stenotype machine,
all parties appearing remotely via web videoconference,
pursuant to the rules of procedure and the provisions
stated on the record or attached hereto.

35

1 A. I would say at least once a month, if not
2 twice.

3 Q. And is this trip to Sam's Club made by yourself
4 or made by your wife?

5 A. Myself.

6 Q. And where is this Sam's Club located?

7 A. In Windsor Heights. The one that I frequent
8 the most is Windsor Heights. There's one in Ankeny
9 also, but they're both about the same distance from my
10 house.

11 Q. And is the Windsor Heights Sam's Club located
12 in Iowa?

13 A. Yes.

14 Q. And is the Ankeny location located in Iowa?

15 I think we lost you for a second there.
16 Do you need me to repeat the question?

17 A. I heard the Ankeny. The other Sam's Club is,
18 yes, in Ankeny, Iowa. That's all I heard.

19 Q. And what pork products do you purchase at this
20 Sam's Club?

21 A. I get precooked Hormel's bacon there. I get
22 ribs. I get my pork butts. Usually when I'm getting
23 pork chops, I'll usually get those from Fareway's.

24 Q. And where is Fareway's?

25 A. In Johnston, Iowa.

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1 Q. And about how often do you go to Fareway's?

2 A. I would say twice a month.

3 Q. And do you purchase any other pork products at
4 Fareway's?

5 A. Yeah. I'll get some bacon there occasionally.

6 Q. And when your wife goes grocery shopping for
7 your household, I believe you said she shops at grocery
8 stores typically. Is that correct?

9 A. HyVee grocery store is where she usually goes.

10 Q. And between 2008 and 2018 do you know if your
11 wife shopped at any other grocery stores?

12 A. HyVee or Fareway's are the two grocery stores
13 that she'll go to.

14 Q. And I believe you said you moved in or around
15 2008. At your prior household did you shop at different
16 grocery stores?

17 A. Occasionally maybe Dull's but they went
18 bankrupt, so ...

19 Q. And is this Dull's also located in Iowa?

20 A. Yes. They were. They're not located in Iowa
21 anymore.

22 Q. And did you purchase any different pork
23 products at this Dull's location?

24 A. No.

25 Q. Did you ever purchase pork at any superstores

1 A. Yes.

2 Q. And how often would you visit these Sam's

3 Clubs? I believe you said once a month?

4 A. Yep. At least once a month I visit Sam's Club.

5 Q. Do you recall purchasing pork products from any
6 other wholesale clubs between 2008 and 2018?

7 A. No.

8 Q. Between 2008 and 2018 did you ever purchase
9 pork products at a convenience store?

10 A. No.

11 Q. Between 2008 and 2018 did you ever purchase
12 pork products at a butcher?

13 A. No, I don't believe so. But I guess
14 (transmission interference).

15 Q. I'm sorry, Mr. Bird. I think we're losing you
16 again.

17 A. When I go to Sam's Club, they do have a
18 butcher's market in there. So I can buy whole things,
19 and they will cut them up for me if I want. So the
20 answer would be yes because I would say Sam's Club is a
21 butcher's market, too.

22 Q. So these purchases are still made at Sam's
23 Club, correct?

24 A. Yes.

25 Q. And between 2008 and 2018 did you ever purchase

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

_____)
IN RE:) No. 0:18-cv-01776-JRT-HB
_____)
PORK ANTITRUST LITIGATION)
_____)
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VIDEOTAPED DEPOSITION of
EDWIN BLAKEY
- CONDUCTED BY VIDEOCONFERENCE -
Thursday, February 24, 2022
10:02 a.m. Eastern Standard Time

Michelle Keegan, RMR, CRR
Lexitas
508-478-9795 ~ 508-478.0595 (Fax)
www.LexitasLegal.com

11:42:59 1 products was fluctuating?

11:43:01 2 A. The price is different. Yeah.

11:43:03 3 Q. All right. Column F, which is entitled
11:43:09 4 "date(s) of purchase," under your name it says
11:43:11 5 "once a month." Do you see that?

11:43:13 6 A. Yup.

11:43:13 7 Q. Is that about how often you remember
11:43:15 8 purchasing pork products?

11:43:17 9 A. Yup.

11:43:18 10 Q. And then G is entitled "brand." And in
11:43:25 11 that section of your response it says, "store
11:43:29 12 brand; Jimmy Dean sausage; Hormel bacon and
11:43:33 13 sausage." Do you see that?

11:43:34 14 A. Yup.

11:43:35 15 Q. And do you remember purchasing any other
11:43:37 16 brands of pork products from 2008 to 2018?

11:43:41 17 A. I also remember buying Smithfield.

11:43:44 18 Q. Any others?

11:43:46 19 A. I couldn't tell you the name of any other
11:43:50 20 brands. No.

11:43:51 21 Q. Do you remember which Smithfield pork
11:43:54 22 products you bought?

11:43:54 23 A. It would have been bacon.

11:43:55 24 Q. Bacon?

11:43:57 25 A. Bacon.

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MINNESOTA

3 -----X

4 IN RE: : Court File No.

5 PORK ANTITRUST LITIGATION : 0:18-cv-01776-JRT-HB

6 -----X

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8 REMOTE VIDEOTAPED STENOGRAPHIC DEPOSITION OF

9 DONYA COLLINS

10 Wednesday, March 30, 2022

11 9:03 a.m. Mountain Time

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22 Job No.: 2022-834719

23 Pages: 1 - 156

24 STENOGRAPHICALLY REPORTED BY:

25 GISELLE MITCHELL-MARGERUM, RPR, CRI, CCR, LCR, CSR

1 to you?

2 MS. WANG: Objection. Form.

3 A. Yes.

4 Q. Okay. And when did you notice these
5 variations? Was it when you took them from
6 the aisle? When you proceeded to check out?
7 After you had paid?

8 Sort of, when did that occur?

9 MS. WANG: Objection. Form.

10 A. I don't remember exactly when.

11 Q. All right. So you had testified
12 earlier that when you were purchasing pork
13 products, you would reach for what was in
14 front of you.

15 And so, would you look at the
16 price when you would reach for what's in front
17 of you? Or would that occur later, when you
18 would notice the variation in price?

19 MS. WANG: Objection. Form.

20 A. I mean, there is no answer to that.
21 You know, we purchased pork.

22 Q. Okay. Do you remember any of the
23 brands that you purchased at Midvale, at the
24 Winco there?

25 A. Do I remember what specific brands I

1 would purchase? Not all of them. No.

2 Q. Okay. Do you remember some of them?

3 A. Yeah. I mean, some of them were

4 kind of staples in my household. Tyson.

5 Hormel.

6 Q. Okay. And besides Tyson or Hormel,
7 do you remember any other brands?

8 A. I don't remember specific brands
9 after that. No.

10 Q. Okay. So now, if we look at the top
11 of this document, over on the right-hand side,
12 you'll see there is a column for "Hog
13 Producer."

14 Is that correct?

15 A. I believe so. Yes.

16 Q. Okay. Do you have an understanding
17 of what a hog producer does?

18 MS. WANG: Objection. Form.

19 A. No.

20 Q. Okay. And as to you, in the section
21 concerning your purchases, in fact, the "Hog
22 Producer" is left blank.

23 Is that correct?

24 A. I believe so. Yes.

25 Q. Yeah. So, is it safe to say, then,

1 purchased pork products there, roughly once a
2 week. And it lists about six products.

3 Right?

4 Do you see that?

5 A. Yes.

6 Q. Okay. And when it says "once per
7 week," does it mean that you purchased each of
8 those products once per week? Or one of those
9 products once per week? Or some of them once
10 per week?

11 What -- what does that mean?

12 A. I don't understand the question.

13 Q. Sure. So, it says that you
14 purchased bacon, sausage, ham, pork chops,
15 ground pork and pork loin from Winco in
16 Midvale, Utah. And then, in the column that
17 reads "Dates of Purchase," it says "once per
18 week."

19 And I'm trying to get a sense
20 of whether you purchased all of those
21 products each week, or whether, you know, it
22 was one product per week. You know, multiple,
23 but not all of them?

24 You know, what did you mean by
25 that there?

1 A. Usually, all these, once per week.

2 Q. Sure. And when you say once per
3 week, was it, you know, every week? Or was
4 it, you know, roughly every week with some
5 deviation here and there?

6 A. Every week.

7 Q. Okay. But, to be clear, this
8 wouldn't have been every week for the entire
9 period from 2008 to 2018.

10 Is that correct?

11 A. That is correct.

12 Q. Okay. And so, just to get a sense,
13 then, you know, which weeks within that
14 period -- and you can just give me the
15 years -- would you say that you purchased
16 these products from Winco, in Midvale, Utah?

17 A. Could you say that for me one more
18 time, please?

19 Q. Absolutely. So, what years did you
20 make weekly purchases of these pork products
21 from the Winco in Midvale, Utah?

22 A. You said what years?

23 Q. Yes.

24 A. I don't remember exact years. Let's
25 see here. Oh. It should have been the whole

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Court File No. 0:18-cv-01776-JRT-HB

IN RE:

PORK ANTITRUST LITIGATION

ORAL VIDEOTAPED DEPOSITION

THOMAS COSGROVE

APRIL 18, 2022

ORAL VIDEOTAPED DEPOSITION OF THOMAS COSGROVE, via
Zoom, produced as a witness at the instance of the
Defendant Triumph Foods, LLC, and duly sworn, was taken
in the above-styled and numbered cause on the 18th day
of April, 2022, from 10:02 a.m. to 2:32 p.m. EST, before
Melinda Barre, Certified Shorthand Reporter in and for
the State of Texas, reported by computerized stenotype
machine, all parties appearing remotely via web
videoconference, pursuant to the rules of procedure and
the provisions stated on the record or attached hereto.

1 THE WITNESS: That's great. I was
2 actually going to ask.

3 Q. (By Ms. Wall) I didn't mention before -- or
4 maybe I did and I forgot -- that we'll try to break
5 roughly every hour. But if you need a break, anybody,
6 before then, let me know. And once we just kind of
7 finish the line of questioning, then that will be fine.

8 Did you want to take just like five, ten
9 minutes? I know you guys are East Coast. Did you want
10 to break for lunch now or go another hour?

11 A. Just five or ten minutes would be fine.

12 Q. Okay. Perfect.

13 THE VIDEOGRAPHER: The time is 11:27 a.m.
14 We're now going off the record.

15 (Recess taken)

16 THE VIDEOGRAPHER: The time is 11:36 a.m.
17 We're now back on the record.

18 Q. (By Ms. Wall) Mr. Cosgrove, we're back on the
19 record. You understand that you're still under oath,
20 correct?

21 A. Yes.

22 Q. We were just talking about various places you
23 purchased pork from from 2012 to 2018, correct?

24 A. Yes.

25 Q. Which defendants or co-conspirators did you

1 purchase pork from in that time period?

2 A. I believe probably primarily Smithfield and
3 Hormel.

4 Q. What types of pork products have you purchased
5 from Smithfield in that time period?

6 A. I purchased mostly bacon and pork loin, usually
7 the premarinated.

8 Q. And what about from Hormel?

9 A. I'm not sure which one has which products.
10 Those are the primary ones that I purchased.

11 Q. So your response bacon and pork loins, I think
12 you said, goes for both Smithfield and Hormel?

13 A. It's likely.

14 Q. Did the prices of those pork products increase
15 between 2012 and 2018?

16 A. I am not certain. It's likely.

17 Q. Why do you say it's likely?

18 A. I am not sure what metrics they're using to
19 raise their prices, but it's likely because a lot of the
20 prices for everything have risen as well over the course
21 of those years.

22 Q. What other things do you recall increasing in
23 price from the 2012 to 2018 time frame?

24 MR. MALSTROM: Object to the form of the
25 question as vague.

1 would not have had any pork purchases in Vermont,
2 correct?

3 A. Correct.

4 Q. So super broad. Have you purchased any pork
5 products from 2008 to 2018?

6 A. Yes.

7 MR. MALSTROM: Hold on. Quick objection.
8 I believe we just established that we're discussing the
9 time period since Mr. Cosgrove moved to Vermont, which
10 is in 2012. But I just want to make sure. For the
11 purposes of making sure the question is crystal clear,
12 you said between 2008 and 2018?

13 MS. WALL: Yes. I will ask questions from
14 the relevant time period, and then we'll get back to the
15 focus of 2012. Thank you.

16 MR. MALSTROM: Okay.

17 Q. (By Ms. Wall) Okay. I'm sorry. What was your
18 response, Mr. Cosgrove?

19 A. That I have purchased pork products.

20 Q. What types of pork products do you purchase?

21 A. Primarily raw pork, some of which is like a
22 pork loin that has been premarinated but primarily raw
23 pork from a supermarket.

24 Q. And I take it from 2012 since you moved until
25 2018, how much pork would you estimate you have

1 purchased during that time frame?

2 A. I do not purchase it once a week, but I may
3 make anywhere from like three to four purchases a month
4 of pork.

5 Q. That three to four purchases of pork per month,
6 has that --

7 A. That would be packages or products.

8 Q. Okay.

9 A. I don't know offhand the weight of those
10 products if you're looking for like a pound.

11 Q. No. That's fair. So three to four packages of
12 pork products per month?

13 A. Roughly, yeah.

14 Q. And has that been consistent throughout the
15 period 2012 through 2018?

16 A. There may be a few months where I purchased two
17 to three instead of four but yes.

18 Q. Who typically does the grocery shopping for
19 your household?

20 A. That would be me. I'm also the cook.

21 Q. You're the primary purchaser of pork then in
22 your household. Is that correct?

23 A. Yes.

24 Q. Are there occasions that your wife or another
25 member of your household does the grocery shopping?

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

_____)	
IN RE:)	No. 0:18-cv-01776-JRT-HB
)	
PORK ANTITRUST LITIGATION)	
)	
_____)	

VIDEOTAPED DEPOSITION of CHRISTOPHER DEERY

- CONDUCTED BY VIDEOCONFERENCE -

Tuesday, March 29, 2022

9:00 a.m. Central Standard Time

Michelle Keegan, RMR, CRR

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10:53:09 1 A. Yeah. It looks like it. I don't see a
10:53:15 2 poundage on that one. It looks like the other one
10:53:19 3 might be a brat, B-R-A-T. Bratwurst.

10:53:36 4 Q. For the butt, bone-in butt, \$10.25 was the
10:53:42 5 price you paid. Is that correct?

10:53:43 6 A. It appears so. Yes.

10:53:44 7 Q. Do you know what brand the butt was?

10:53:53 8 A. Usually Hornbacher's had only Smithfield.

10:54:02 9 Q. So up above for the pork loin, do you know
10:54:07 10 what brand that was?

10:54:08 11 A. I'm guessing Hormel.

10:54:11 12 Q. It looks like to me -- receipts are kind
10:54:19 13 of weird. It has what I think is an abbreviation
10:54:25 14 for Smithfield pork loin. Do you see that? It
10:54:30 15 says S-M -- I can barely make it out, but I think
10:54:33 16 it's an S.

10:54:35 17 A. I can't really tell either on that.

10:54:36 18 Q. Okay. But you think -- you believe you
10:54:41 19 typically buy Hormel pork loins from Hornbacher's?

10:54:45 20 A. Typically. Yeah. We're just a small town
10:54:50 21 here. So we get, like, the Tysons, Hormels,
10:54:53 22 Smithfields of the world.

10:54:56 23 Q. And then for the bone-in butt, you think
10:54:59 24 that was Smithfield?

10:55:00 25 A. I believe so. Yes.

10:55:01 1 Q. Is the brat a pork product?

10:55:16 2 MR. AMARA: Objection, form.

10:55:23 3 A. I believe so. Yes. That would be a pork
10:55:26 4 product.

10:55:26 5 Q. What brand would that have been?

10:55:34 6 A. The same.

10:55:39 7 Q. Either Hormel or Smithfield?

10:55:41 8 A. Yeah. Probably Hormel, I'm guessing.

10:55:44 9 Q. Are there any other brands besides Hormel
10:55:48 10 and Smithfield that is sold at Hornbacher's?

10:55:53 11 MR. AMARA: Objection, foundation.

10:55:57 12 Q. In your personal observation being a
10:55:59 13 shopper at Hornbacher's, are there other brands of
10:56:02 14 pork products other than Hormel and Smithfield?

10:56:05 15 A. I'm sure there are.

10:56:10 16 Q. Do you know the names of any of those
10:56:16 17 other brands?

10:56:16 18 A. No, I don't. You just kind of get what
10:56:24 19 you get. Like I said, these are small grocery
10:56:26 20 stores. This is what we have.

10:56:40 21 Q. So digging into that comment a little bit
10:56:42 22 more, small grocery store, we have what we have,
10:56:46 23 what kind of a variety do you see at Hornbacher's
10:56:51 24 if you were looking at different pork products?
10:56:55 25 Were you typically limited to just one brand or

10:07:31 1 house?

10:07:31 2 A. It's right next to the Sam's Club, so a
10:07:35 3 mile and a half.

10:07:36 4 Q. Are there multiple Walmarts in Fargo?

10:07:41 5 A. Yes.

10:07:41 6 Q. Do you shop at more than one location or
10:07:45 7 just the location that we -- that's next to Sam's?

10:07:48 8 A. Just that one location.

10:07:50 9 Q. How often would you say you're buying pork
10:08:02 10 products from Walmart?

10:08:03 11 A. Maybe twice a week or twice every two
10:08:14 12 weeks, something like that.

10:08:15 13 Q. Was that the same frequency in the time
10:08:21 14 period 2008 to 2018?

10:08:23 15 A. Yeah.

10:08:27 16 Q. Is there a day of the week that you
10:08:37 17 typically go to certain grocery stores?

10:08:40 18 A. It would either be lunch break or after
10:08:45 19 work before I pick up my kids at daycare.

10:08:48 20 Q. Any certain day of the week?

10:08:49 21 A. Certain day? No.

10:08:53 22 Q. Are there any farmer's markets that you
10:09:04 23 purchase pork products from?

10:09:06 24 A. No. It's too cold for that here.

10:09:11 25 Q. Even in the summer?

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

_____)
IN RE:) No. 0:18-cv-01776-JRT-HB
_____)
PORK ANTITRUST LITIGATION)
_____)
_____)

VIDEOTAPED DEPOSITION of WANDA DURYEA

- CONDUCTED BY VIDEOCONFERENCE -

Tuesday, March 1, 2022

10:07 a.m. Eastern Standard Time

Michelle Keegan, RMR, CRR

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1 A. The lawyers.

2 Q. And you haven't done any independent
3 research aside from what the attorneys have told
4 you?

5 A. No, I have not.

6 Q. Let's go to page 94, Paragraph 213.

7 MR. KOPP: Can you go up a little bit
8 more?

9 A. I'm sorry?

10 Q. I'm sorry. I was talking to Jacob.

11 MR. KOPP: 213, the paragraph.

12 Q. So this says that at all relevant times
13 you were a resident in Farmington, New Hampshire.
14 I think we covered that earlier.

15 A. Right.

16 Q. It's accurate that you lived in Farmington
17 except for the few months that you described in
18 2018, 2019. Is that accurate?

19 A. Yes.

20 Q. Okay. And between 2008 and 2018, which
21 defendants did you purchase pork from?

22 A. I probably purchased from Smithfield,
23 Hormel, Tyson, maybe Hatfield and various "I don't
24 know" from store brand.

25 Q. And do you know for the private label, you

1 Q. You do not buy -- okay.

2 Do you know how Walmart sets its prices?

3 A. I do not.

4 Q. BJ's and Market Basket, do you know the
5 wholesale price that they pay?

6 A. No.

7 Q. Do you ever shop at farmer's markets?

8 A. No.

9 Q. What about -- I think you mentioned some
10 wholesale clubs like Costcos or Sam's Club. Do
11 you shop at either of those or any other wholesale
12 clubs?

13 A. Costco is too far away from me in
14 New Hampshire. It's about two hours. Sam's Club,
15 I do go to.

16 Q. Okay. How far away is Sam's Club?

17 A. About an hour and 15 minutes.

18 Q. And like how often would you purchase pork
19 from Sam's Club?

20 A. Maybe once every two or three months.

21 Q. Do you know how Sam's Club sets its
22 prices?

23 A. I do not.

24 Q. And I assume you don't know the wholesale
25 price that they pay or the markup?

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

_____)
IN RE:) No. 0:18-cv-01776-JRT-HB
_____)
PORK ANTITRUST LITIGATION)
_____)
_____)

VIDEOTAPED DEPOSITION of
CHARLES RICHARD DYE, JR.
- CONDUCTED BY VIDEOCONFERENCE -
Wednesday, February 23, 2022
9:05 a.m. Eastern Standard Time

Michelle Keegan, RMR, CRR
Lexitas
508-478-9795 ~ 508-478.0595 (Fax)
www.LexitasLegal.com

09:43:38 1 pigs?

09:43:39 2 A. No.

09:43:40 3 Q. Do you know what pork products Hormel
09:43:45 4 Foods produces?

09:43:46 5 MR. RISSMAN: I object to form.

09:43:54 6 You can answer unless I instruct you not
09:43:56 7 to.

09:43:57 8 A. Yes.

09:43:57 9 Q. What pork products does it produce?

09:44:01 10 A. I've purchased bacon.

09:44:05 11 Q. Do you know if Hormel Foods produces other
09:44:10 12 meat products like beef, chicken, or turkey?

09:44:14 13 A. No.

09:44:22 14 Q. Have you purchased any pork produced by
09:44:27 15 Hormel Foods?

09:44:28 16 A. Yes.

09:44:28 17 MR. RISSMAN: Objection.

09:44:31 18 Sorry. Asked and answered, but he gave
09:44:33 19 his answer.

09:44:41 20 Q. Can you just restate your answer?

09:44:43 21 A. Yes.

09:44:43 22 Q. Have you heard of JBS USA?

09:44:45 23 A. Yes.

09:44:46 24 Q. Do you know where JBS USA is
09:44:51 25 headquartered?

09:47:03 1 produce?

09:47:08 2 MR. RISSMAN: I object to form.

09:47:09 3 A. I know of bacon.

09:47:10 4 Q. Do you know if Smithfield Foods produces
09:47:14 5 other meat products like beef, chicken, or turkey?

09:47:17 6 A. I do not know.

09:47:18 7 Q. Have you purchased any pork produced by
09:47:21 8 Smithfield Foods?

09:47:22 9 MR. RISSMAN: I object to form.

09:47:23 10 A. Yes.

09:47:25 11 Q. What pork products produced by Smithfield
09:47:36 12 Foods have you purchased?

09:47:36 13 A. Ham and bacon.

09:47:42 14 Q. Have you heard of Triumph Foods?

09:47:45 15 A. Yes.

09:47:47 16 Q. Do you know where Triumph Foods is
09:47:54 17 headquartered?

09:47:54 18 A. No.

09:47:55 19 Q. Does Triumph Foods raise its own pigs?

09:47:58 20 A. I don't know.

09:47:58 21 Q. Does Triumph Foods buy pigs?

09:48:03 22 A. I do not know.

09:48:04 23 Q. Where does Triumph Foods harvest pigs?

09:48:08 24 A. I do not know.

09:48:09 25 Q. What pork products does Triumph Foods

10:38:13 1 package of bacon or a bulk package of bacon in
10:38:16 2 West Virginia every month from 2018 -- 2008 to
10:38:21 3 2018?

10:38:21 4 A. I don't recall.

10:38:25 5 Q. Did you purchase either an individual
10:38:33 6 package of bacon or bulk package of bacon in
10:38:36 7 West Virginia every month from 2015 to 2018?

10:38:39 8 A. Again, I don't recall.

10:38:42 9 Q. Do you have any recollection of the prices
10:38:48 10 that you paid when you purchased bacon?

10:38:53 11 MR. RISSMAN: I object to form.

10:38:55 12 A. I do not.

10:38:56 13 Q. Do you remember what brands of bacon you
10:39:03 14 purchased between 2008 and 2018?

10:39:09 15 MR. RISSMAN: Objection, asked and
10:39:10 16 answered.

10:39:10 17 A. I don't recall.

10:39:11 18 MR. RISSMAN: Go ahead. I'm sorry.

10:39:12 19 A. I do not remember all brands.

10:39:14 20 Q. Do you remember any of the brands of bacon
10:39:29 21 you purchased between 2008 and 2018?

10:39:31 22 A. Yes. I'm sure some.

10:39:40 23 Q. Can you name for me the brands of bacon
10:39:48 24 you purchased between 2008 and 2018?

10:39:51 25 A. Oscar Meyer, Smithfield, Great Value,

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Court File No. 0:18-cv-01776-JRT-HB

IN RE:

PORK ANTITRUST LITIGATION

ORAL VIDEOTAPED DEPOSITION

JAMES EATON

MARCH 10, 2022

ORAL VIDEOTAPED DEPOSITION OF JAMES EATON, via Zoom,
produced as a witness at the instance of the Defendant
Hormel Food Corporation, and duly sworn, was taken in
the above-styled and numbered cause on the 10th day of
March, 2022, from 9:04 a.m. to 12:02 p.m., before
Melinda Barre, Certified Shorthand Reporter in and for
the State of Texas, reported by computerized stenotype
machine, all parties appearing remotely via web
videoconference, pursuant to the rules of procedure and
the provisions stated on the record or attached hereto.

1 shopping duties. My wife doesn't do that a lot of
2 times.

3 Q. Okay. Who shops more often in your household?

4 A. You know, it just depends. Could be 50/50, you
5 know.

6 Q. Okay. I'd like to go back to talking about
7 the -- your understanding of the lawsuit.

8 We talked a little bit about this, but can
9 you remind me again of your understanding of who is part
10 of this alleged conspiracy.

11 A. Yes. Agri Stats was the company that compiled
12 and shared the data amongst the pork producers. The
13 ones off the top of my head were Tyson, Hormel,
14 Smithfield, Seaboard. And, again, I'm failing on the
15 other names; but JBS is the one that has already agreed
16 to a settlement.

17 Q. What's your understanding of the goal of the
18 conspiracy?

19 A. For them to increase profit margins by falsely
20 shortening supply creating higher demand, increasing
21 prices.

22 Q. Was there a ring leader of this alleged
23 conspiracy?

24 A. I would say it would be the Agri Stats that
25 provided the data and presented it to everybody.

1 Q. Okay. And do you have a smartphone?

2 A. I do.

3 Q. What kind?

4 A. iPhone.

5 Q. Do you use any online banking apps on your
6 phone?

7 A. I do.

8 Q. Which ones?

9 A. Banking for my bank specifically, Entrust.

10 Q. Would you be able to check the amount of your
11 pork purchases on your smartphone?

12 A. I would be able to check the full amount of my
13 purchase. Again, it's not going -- it was inclusive of
14 my groceries. So if I spend \$175 at the store, that's
15 all it's going to say. But yes, I could find that.

16 Q. Has your counsel asked you to produce any of
17 your credit card or bank statements?

18 A. No.

19 Q. Are you aware that defendants have requested
20 that your credit card and bank statements be produced?

21 MR. HEDLUND: Object to the form.

22 A. I don't think so.

23 Q. (By Ms. Koltookian) We talked a little bit
24 about different factors that you consider when you're
25 purchasing pork earlier. Do you remember that

1 Q. I know that HyVee has that kind of reward
2 system. Does Price Chopper also have some sort of
3 reward or point system?

4 A. They do.

5 Q. Okay. And would you sometimes choose products
6 based on the rewards or points that you would get?

7 A. No. I believe theirs -- and, again, my wife
8 does the shopping there; but I believe theirs is just a
9 percentage of your bill.

10 Q. And you mentioned that you haven't kept all of
11 your receipts. Is that right?

12 A. Correct.

13 Q. When did you join this lawsuit?

14 A. Fall of 2019.

15 Q. And since fall of 2019, have you kept all of
16 your receipts from your purchases of pork?

17 A. Yes. I've tried to. I could have missed one
18 unintentionally; but yeah, I've paid attention to it
19 more.

20 Q. Okay. And are the receipts that you have saved
21 reflected in the receipt exhibit that we just looked at?

22 A. I would assume. For some reason I thought
23 there were more, but I'm sure they included whatever I
24 sent them.

25 Q. Okay. Has your counsel ever instructed you to

**Video-Recorded Zoom Videoconference Deposition of Robert Eccles - 3/7/2022
In Re Pork Antitrust Litigation**

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MINNESOTA

3
4
5 IN RE PORK ANTITRUST
6 LITIGATION

No. 0:18-cv-10776-JRT-HB
7

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14 VIDEO-RECORDED ZOOM VIDEOCONFERENCE DEPOSITION OF
ROBERT ECCLES

15
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25 TAKEN MARCH 7, 2022

BY CARA NASI-PINARDI, RPR

**Video-Recorded Zoom Videoconference Deposition of Robert Eccles - 3/7/2022
In Re Pork Antitrust Litigation**

Page 42

1 BY MR. RIPA:
2 Q So I'm going to ask you some questions about the
3 time period between January 2009 to the president --
4 sorry, to the present.
5 Does that -- does that sound okay?
6 **A Yes, sir.**
7 Q So during that time period have you purchased pork
8 products?
9 **A I have.**
10 Q And what types have you purchased?
11 **A My biggest purchase would be bacon, also**
12 **occasionally breakfast sausages. I'm not sure if**
13 **it's relevant, but occasionally we get a Honey Baked**
14 **Ham for the holidays.**
15 Q Okay.
16 **A That's pretty much it.**
17 **Q And do you have an understanding of how much of**
18 **those pork products you've purchased over the whole**
19 **time period between January 2009 and the present?**
20 **A Not over the whole period. I could give you like a**
21 **monthly snapshot or something if you would like.**
22 **Q Sure.**
23 **A Bacon probably once or twice a month. Sausages**
24 **probably less frequently, maybe once every four**
25 **months-ish. Honey Baked Hams obviously just**

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1 **probably around Easter or Christmas.**
2 Q Okay. And so who actually purchased the pork you're
3 referencing? Was it you or a spouse or someone
4 else?
5 **A It was me.**
6 Q Okay. Was it always you?
7 **A Yes.**
8 Q And whose money was used for the purchase?
9 **A Mine, our family's money, I guess.**
10 Q I would like to ask you some questions about where
11 you purchased this pork. Is that all right?
12 **A Certainly.**
13 Q Great. So did you ever purchase the pork products
14 you just referenced at grocery stores?
15 **A Yes.**
16 Q Can you tell me which grocery stores?
17 **A Sure. That's pretty easy. Just one, Meijer is our**
18 **local grocery store, Meijer, M-E-I-J-E-R, I think.**
19 Q Okay. And where is this grocery store located?
20 **A It's in Monroe, Michigan.**
21 Q Okay. And about how far away is that from you?
22 **A About 15 minutes.**
23 Q All right. And were there any other grocery stores
24 that you purchased these pork products at?
25 **A It's possible I went to the Meijer store in Ann**

Page 44

1 **Arbor maybe on the way home from work at some point,**
2 **but I think the vast, vast majority would have been**
3 **from Meijer in Monroe. It would have been rare for**
4 **me to go to the Meijer in Ann Arbor. It is only out**
5 **of necessity that I need something right away I go**
6 **there generally.**
7 Q Got it. So mostly the Meijer located in Monroe,
8 Michigan, but it does sound like there may have been
9 instances when you purchased pork products at a
10 Meijer located in Ann Arbor.
11 Am I hearing that right?
12 **A I would say it's unlikely, but possible, yes.**
13 Q Okay. Any other grocery stores?
14 **A No, sir.**
15 Q And that's for the entire time period we're
16 discussing, January 2009 to the present.
17 Is that right?
18 **A Yes, sir. Correct.**
19 Q And again, I think we covered this in the beginning,
20 but I just want to make sure I'm recalling this
21 correctly. From January 2009 to the present, you've
22 lived at your current address the entire time?
23 **A Yes, sir.**
24 Q Can you recall any instances in which you bought
25 pork products at the Meijer store in Ann Arbor,

Page 45

1 Michigan?
2 **A No, I cannot.**
3 Q Have you ever bought pork products at superstores,
4 and by that I mean, you know, like a Walmart or a
5 Target superstore or anything like that?
6 **A Not that I can recall, no.**
7 Q What about at farmers' markets?
8 **A No, sir, definitely not.**
9 Q How about wholesale clubs? Some, you know, examples
10 of that would be Costco or Sam's Club.
11 **A No. No, sir.**
12 Q And how about convenience stores?
13 **A I don't believe so.**
14 Q What about butchers or specialty shops?
15 **A No, sir.**
16 Q Dollar Stores?
17 **A No, sir.**
18 Q And how about restaurants?
19 **A As far as ordering bacon on a menu, certainly, but,**
20 **you know, not actually buy it to take home and cook**
21 **it or anything.**
22 Q Okay. What restaurants might you have ordered pork
23 products at from January 2009 to the present?
24 **A There's probably a bunch, wherever I would have had**
25 **breakfast, I guess. Maybe someplace like Denny's.**

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MINNESOTA

3 -----X

4 IN RE: : Court File No.

5 PORK ANTITRUST LITIGATION : 0:18-cv-01776-JRT-HB

6 -----X

7

8 REMOTE VIDEOTAPED STENOGRAPHIC DEPOSITION OF

9 CHRISTINA HALL

10 Friday, April 22, 2022

11 9:00 a.m. Eastern

12

13

14

15

16

17

18

19

20

21

22 Job No.: 2022-837402

23 Pages: 1 - 207

24 STENOGRAPHICALLY REPORTED BY:

25 GISELLE MITCHELL-MARGERUM, RPR, CRI, CCR, LCR, CSR

1 Q. Did you do that every single month
2 for that entire 10-year time period?

3 A. Yes.

4 Q. In the next column over to the
5 right, it says "Wright's bacon." Is that
6 correct?

7 A. Yes.

8 Q. Do you know if Wright's is owned by
9 any of the defendants in this case?

10 A. I'm not sure.

11 Q. Did you only purchase Wright's bacon
12 from Walmart?

13 A. No.

14 Q. You would purchase other brands as
15 well?

16 A. Yes. If Wright's was not available.

17 Q. And what brands were those?

18 A. Hormel or Smithfield. Mainly

19 Smithfield.

20 Q. And that was only if Wright's was
21 unavailable?

22 A. Yes.

23 Q. In the "Price" column, it says
24 "Varied." Is that right?

25 A. Yes.

1 A. They produce pork products.

2 Q. And I believe you also mentioned

3 Hormel. What is Hormel?

4 A. They produce food products as well.

5 Q. And what is JBS?

6 A. They, as well, produce pork
7 products.

8 Q. And how did you come to understand
9 that JBS produces pork products?

10 A. The complaint.

11 Q. Is that same for how you came to
12 understand what Tyson, Smithfield, and Hormel
13 are, as well?

14 A. No.

15 Q. How did you come to understand what
16 Tyson is?

17 A. I purchase their products.

18 Q. And what products do you purchase
19 from Tyson?

20 A. I've purchased chicken. Other
21 things. I can't remember. But I've purchased
22 bacon and all kind of products from those
23 producers.

24 Q. When you say "those producers," who
25 are you referring to?

1 A. Tyson, Smithfield, and Hormel.

2 Q. So you've purchased chicken, bacon,
3 and other products from Tyson, Smithfield, and
4 Hormel?

5 MR. RISSMAN: Objection.

6 Mischaracterizes testimony.

7 A. Correct.

8 Q. And how do you know that you've
9 purchased products from those companies?

10 A. The names on the label.

11 Q. Which laws do you think the
12 defendants have violated in this case?

13 MR. RISSMAN: Objection. Calls
14 for a legal conclusion.

15 A. I don't know.

16 Q. Before joining this case, did you
17 take any steps to investigate the claims you
18 asserted in the complaint?

19 MR. RISSMAN: Object to form.

20 A. No.

21 THE WITNESS: Quick question
22 before you jump to the next one. Can we
23 take a quick five-minute break?

24 MS. ZIMMERMAN: Of course.

25 THE WITNESS: Okay.

1 Q. Have you purchased pork products?

2 A. Yes.

3 Q. What types of pork products have you
4 purchased?

5 A. Bacon; sausage; pork tenderloin;
6 pork chops; pork butt; ham. That's pretty
7 much it. Did I say pork tenderloin? I think
8 I did.

9 Q. How often would you say you
10 purchased some type of pork product?

11 A. Once or twice a month.

12 Q. Who typically does the grocery
13 shopping in your household?

14 A. Me. I apologize.

15 Q. Are there others in your household
16 with you?

17 A. My children.

18 Q. And how many children do you have?

19 A. I have three, and one on the way.
20 But only two live here now.

21 Q. And of your two children that live
22 with you, do they also eat pork?

23 A. Yes.

24 Q. How often do you grocery shop?

25 A. Once or twice a month.

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

_____)	
IN RE:)	No. 0:18-cv-01776-JRT-HB
)	
PORK ANTITRUST LITIGATION)	
_____)	

VIDEOTAPED DEPOSITION of SARAH ISOLA

- CONDUCTED BY VIDEOCONFERENCE -

Friday, April 8, 2022

9:58 a.m. Central Daylight Time

Michelle Keegan, RMR, CRR

Lexitas

508-478-9795 ~ 508-478.0595 (Fax)

www.LexitasLegal.com

10:43:48 1 A. Yes.

10:43:49 2 Q. What types of pork products have you
10:43:52 3 purchased during that time period?

10:43:53 4 A. So I purchased bacon, sausage, ribs, and
10:44:08 5 then pork shoulder or pork butt.

10:44:14 6 Q. Can you think of -- I'm sorry.

10:44:16 7 A. I'm sorry. There's a lot. I'm trying
10:44:19 8 to . . .

10:44:20 9 Ham and, like, pork chorizo.

10:44:26 10 Q. Okay. Can you think of any other pork
10:44:29 11 products you purchased during the 2009-to-present
10:44:32 12 time period?

10:44:40 13 MS. WANG: I object to form.

10:44:41 14 A. Occasionally I get pork chops.

10:44:43 15 Q. Okay.

10:44:52 16 A. And I think that's about it.

10:44:55 17 Q. How much pork have you -- excuse me.

10:45:00 18 How much pork have you purchased during
10:45:01 19 that 2009 to the present time period? And I think
10:45:06 20 that's -- I'm going to change that question
10:45:08 21 because I think that's an unfair question.

10:45:09 22 About how frequently during that

10:45:11 23 January 2009 to the present time period do you

10:45:19 24 purchase pork?

10:45:20 25 A. I'm going to say pork in general I

10:45:30 1 purchase on a monthly basis.

10:45:38 2 Q. And how do you know that you purchase pork
10:45:40 3 usually on a monthly basis?

10:45:42 4 A. Well, actually, I might get bacon more
10:45:45 5 than that. Just because of my normal routine. My
10:45:53 6 husband, he likes to smoke meat. He makes pulled
10:45:56 7 pork. He does ribs. We do that at least one
10:46:00 8 weekend a month.

10:46:02 9 And then I have bacon here quite
10:46:04 10 frequently because that's my husband's favorite
10:46:06 11 thing to have on the weekends for breakfast. I
10:46:12 12 live -- I go -- I'm farther from the store, so I
10:46:15 13 like to go and buy a bigger amount once a month.

10:46:18 14 Q. So is it fair to say that your usual habit
10:46:20 15 is to kind of do grocery shopping about once a
10:46:23 16 month? Is that right?

10:46:24 17 A. Once to twice. Yeah.

10:46:25 18 Q. Okay. And it sounds like -- is it fair to
10:46:31 19 say that you purchase more bacon than any other
10:46:33 20 pork product? It sounds like that might be the
10:46:36 21 case.

10:46:36 22 MS. WANG: Objection to form.

10:46:40 23 Sorry. You can answer.

10:46:41 24 A. We purchase more bacon than anything, but
10:46:44 25 we still purchase a good amount of other stuff

**Video Recorded Zoom Videoconference Deposition of Kenneth King - 2/28/2022
In Re Pork Antitrust Litigation**

Page 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

IN RE PORK ANTITRUST
LITIGATION No. 0:18-cv-10776-JRT-HB

VIDEO RECORDED ZOOM VIDEOCONFERENCE DEPOSITION OF
KENNETH KING

TAKEN FEBRUARY 28, 2022 BY CARA NASI-PINARDI, RPR

**Video Recorded Zoom Videoconference Deposition of Kenneth King - 2/28/2022
In Re Pork Antitrust Litigation**

Page 96

1 BY MR. THOMSON:

2 Q What about Tyson pork, have you ever bought Tyson
3 pork?

4 MR. AMARA: Same objection.

5 Mr. King, you may answer.

6 THE WITNESS: Yes, sir.

7 BY MR. THOMSON:

8 Q When did you buy Tyson pork?

9 A In that timeframe, I have. That's one of the main
10 brands at our store.

11 Q And which store is that?

12 A Walmart.

13 Q Do you know if it's sold at County Market?

14 A Offhand, no.

15 Q Okay. And what Tyson pork product did you buy?

16 A Offhand, I'm not sure.

17 Q Okay. Do you recall what brand of Tyson pork you
18 bought?

19 A No, sir.

20 Q Okay. Do you have a sense of how much Tyson pork
21 you bought over the January 2009 to present period?

22 MR. AMARA: Objection, calls for
23 speculation.

24 Mr. King, you may answer.

25 THE WITNESS: No, sir.

**Video Recorded Zoom Videoconference Deposition of Kenneth King - 2/28/2022
In Re Pork Antitrust Litigation**

Page 72

1 Q Okay. Do you know about how often you purchase pork
2 tenderloins?

3 A I would say about every week or every two weeks.

4 Q And about how much loins do you purchase?

5 A Per month, four packs total.

6 Q I'm sorry, Mr. King, I didn't catch that response.

7 A Yeah, each month, it's four packs total.

8 Q Okay. Do you ever buy pork shoulders?

9 A No, sir.

10 Q Do you ever buy pork ribs?

11 A No, sir.

12 Q What about jowls?

13 A No, sir.

14 Q Let's talk about pork chops. I know you buy those.
15 Could you tell me what brand of pork chops you buy?

16 A As far as the brand, I don't know the name of it to
17 be honest.

18 Q Okay. How often do you buy pork chops?

19 A I would say every two weeks, and that would be one
20 pack, which would be five chops each visit.

21 Q Okay. Thank you. What about pork steaks, do you
22 ever buy pork steaks?

23 A No, sir.

24 Q Do you ever buy ground pork?

25 A No, sir.

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Court File No. 0:18-cv-01776-JRT-HB

IN RE:

PORK ANTITRUST LITIGATION

ORAL VIDEOTAPED DEPOSITION

RYAN KUTIL

JANUARY 25, 2022

ORAL VIDEOTAPED DEPOSITION OF RYAN KUTIL, via Zoom, produced as a witness at the instance of the Defendants Tyson Foods, Inc., Tyson Prepared Foods, Inc. and Tyson Fresh Meat, Inc., and duly sworn, was taken in the above-styled and numbered cause on the 25th day of January, 2022, from 9:02 a.m. to 2:53 p.m., before Melinda Barre, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine, all parties appearing remotely via web videoconference, pursuant to the rules of procedure and the provisions stated on the record or attached hereto.

Ryan Kutil - January 25, 2022

102

1 **A. No.**

2 Q. Do you factor in particular brands in deciding
3 what pork products to buy?

4 **A. Not really, no.**

5 Q. Can you name any -- strike that.

6 Do you typically buy the store brand for
7 the pork products you buy?

8 **A. Probably more so than a package with a brand
9 name on it. Probably more so, yes.**

10 Q. When you say "more so," do you mean over
11 70 percent of the time?

12 **A. I guess it's more about the type of product.
13 So packaged bacon would probably be more like the brand
14 name than the store brand. But when it comes to pork
15 chops or -- you know, probably more so pork chops than
16 anything. But yeah, you know, name brand packaged pork
17 loins and bacon would probably be what I'd buy more so
18 than the store.**

19 **Q. What brands of pork loins do you buy?**

20 **A. Smithfield and Hormel. I believe those are
21 probably the two most common of those pork loins.**

22 Q. And how do you decide between Smithfield and
23 Hormel if you are looking to buy pork loins?

24 **A. They're typically like a marinated pork loin.
25 So just depending on the flavors available.**

Ryan Kutil - January 25, 2022

75

1 non-defendant hog producer produced the pork that you
2 purchased at County Market that are listed in this
3 exhibit?

4 MR. RISSMAN: Same objection.

5 **A. That's correct.**

6 Q. (By Ms. Lee) I'm going to go over some other
7 types of pork products to see if you purchased them
8 between 2008 and 2018. I'll try to skip over ones that
9 you've already established that you purchased.

10 Between 2008 and 2018 did you ever
11 purchase ham?

12 **A. Yes.**

13 Q. How often did you purchase hams?

14 **A. Not as often as other pork products. Once**
15 **every few months maybe.**

16 Q. Were there any particular brands that you would
17 purchase of hams?

18 **A. It would probably -- no, not off the top of my**
19 **head.**

20 Q. And where did you purchase these hams?

21 **A. Could have been any of the grocery stores I've**
22 **listed.**

23 **Q. Between 2008 and 2018 did you purchase pork**
24 **loins?**

25 **A. Yes.**

Ryan Kutil - January 25, 2022

76

1 Q. And how often would you purchase pork loins?

2 A. Probably more frequently, a couple times a
3 month.

4 Q. And where would you purchase the pork loins
5 from?

6 A. Any of the stores we discussed.

7 Q. I think you mentioned earlier that you
8 purchased pork shoulder at grocery stores. Is that
9 correct?

10 A. Correct.

11 Q. And how often would you purchase pork shoulder?

12 A. Maybe once a month.

13 Q. Also at the variety of grocery stores that you
14 mentioned?

15 A. Correct.

16 Q. Between 2008 and 2018 did you purchase pork
17 belly?

18 A. Probably never.

19 Q. Between 2008 and 2018 did you purchase pork
20 jowls?

21 A. No.

22 Q. Between 2008 and 2018 did you purchase ribs?

23 A. Yes.

24 Q. How often would you purchase pork ribs?

25 A. Probably more so in the spring, summer and fall

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PAGES: 1-88
EXHIBITS: See Index

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

_____)
IN RE:) No. 0:18-cv-01776-JRT-HB
_____)
PORK ANTITRUST LITIGATION)
_____)
_____)

VIDEOTAPED DEPOSITION of DAVID LOOK

- CONDUCTED BY VIDEOCONFERENCE -

Thursday, March 24, 2022

8:28 a.m. Hawaii-Aleutian Standard Time

Michelle Keegan, RMR, CRR

Lexitas

508-478-9795 ~ 508-478.0595 (Fax)

www.LexitasLegal.com

11:21:20 1 at a higher price due to the collusion.

11:21:22 2 Q. How much more than you should have?

11:21:30 3 MR. AMARA: Objection, form, calls for
11:21:32 4 speculation and calls for a legal conclusion.

11:21:37 5 A. Yeah. I really wouldn't know exactly how
11:21:50 6 much.

11:21:50 7 Q. Did you ever buy pork directly from
11:21:52 8 Clemens?

11:21:52 9 A. Did you say Clemens?

11:21:55 10 Q. Yes.

11:22:06 11 A. I don't know.

11:22:06 12 Q. Did you ever buy pork directly from any
11:22:11 13 defendant?

11:22:11 14 A. I can -- sorry.

11:22:27 15 MR. AMARA: Objection, form.

11:22:39 16 A. I can only confidently say Hormel and
11:22:42 17 Tyson.

11:22:47 18 Q. Did you buy those directly from Hormel and
11:22:50 19 Tyson or through a grocery store?

11:22:52 20 A. Through a grocery store.

11:22:59 21 Q. So wasn't it the grocery store setting the
11:23:02 22 prices?

11:23:02 23 MR. AMARA: Objection, form, calls for
11:23:04 24 speculation.

11:23:04 25 Go ahead and answer.

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

-----x
IN RE: PORK ANTITRUST LITIGATION 0:18-cv-01776
-----x JRT-HB

VIDEOTAPED STENOGRAPHIC DEPOSITION OF:
KENNETH L. NEAL
Monday, March 14, 2022
9:04 a.m. - 1:08 p.m.
Reported Remotely through Videoconference

Reported stenographically by:
Richard Germosen, CA CSR No. 14391
RDR, CRR, CCR, CRCR, CSR-CA, NYACR, NYRCR
NCRA/NJ/NY/CA Certified Realtime Reporter
NCRA Realtime Systems Administrator
Job No. 2022-835333

1 Do you understand?

2 A. Yes.

3 Q. During that time period, have you
4 purchased pork products?

5 A. Yes.

6 Q. What types of?

7 A. Ribs, shoulder, sausage, bacon,
8 things of that nature.

9 Q. How much volume would you say over
10 the whole period?

11 A. Oh, man. I would say -- I would say
12 a good bit.

13 Q. And which defendants did you purchase
14 pork from between 2008 to 2018?

15 MR. AMARA: Objection. Form.

16 A. I -- I know for sure Hormel. I'm for
17 certain I've gotten Tyson and Smithfield also. I
18 can't quite remember -- can't quite remember them
19 all.

20 Q. Do you know if the pork that you've
21 purchased originated from a farm that was owned by
22 one of the defendants?

23 MR. AMARA: Objection. Foundation.
24 Objection. Form.

25 A. No.

1 would have gone shopping at Food Lion between 2008
2 to present?

3 A. Say that again? Repeat that.

4 Q. Do you know which years you typically
5 would have gone shopping at Food Lion between 2008
6 to present?

7 A. Which year?

8 Q. Which years, yeah. I mean, if it's
9 all those years, that's fine, but the question is:
10 You said that you go once or twice a week?

11 A. Yeah, I mean, it would be -- it would
12 be all those years.

13 Q. All those years. Okay.

14 And what type of pork product would
15 you typically purchase from Food Lion?

16 A. Shoulders, ribs, sausage, ham, bacon.

17 Q. Do you shop at Food Lion more
18 frequently than other food retailers?

19 A. I would say so.

20 Q. You would say so?

21 A. Yeah.

22 Q. Why is that?

23 A. There is three or four Food Lions in
24 town versus the one Walmart.

25 Q. On the receipt, do you see the line

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

Case No. 0:18-cv-01776-JRT-HB

IN RE PORK ANTITRUST LITIGATION

This Document Relates to: All Actions

CONFIDENTIAL

REMOTE TESTIMONY OF CHAD NODLAND

MAY 31, 2022 - 9:00 A.M. CDT

JOB NO. 2022-845985

1 CHAD NODLAND - CONFIDENTIAL

2 Q Okay.

3 Are you claiming damages on
4 the pork you purchased from that store?

5 A I don't know the answer to
6 that. I don't -- I don't honestly know
7 whether they get the pork locally or if
8 they get it from one of the defendants, so
9 probably not there. But I don't --

10 (Simultaneous Crosstalk.)

11 Q Sure.

12 What about the other stores
13 that you had mentioned, are you claiming
14 damages on all of the purchases made from
15 those stores?

16 A Yes.

17 Q Do you know the brands of any
18 of the products that you have purchased
19 from those stores?

20 A I know for sure that I
21 purchased Little Sizzler breakfast
22 sausages, which I believe are Hormel. And
23 I am pretty sure I have bought Smithfield
24 bacon.

25 And I honestly don't remember

CHAD NODLAND - CONFIDENTIAL

Q Okay.

Mr. Nodland, getting a little more into the broader purchasing habits, did you always purchase the same amount of pork over the course of the year?

A I would say no. Like I think I mentioned earlier, I would buy pork butts more in the summer.

Q Sure.

And would that also be true, say, Thanksgiving or Christmas, around the holiday time, would you buy more or less pork?

A That's possible. I am not -- I am a turkey guy, so I don't know that would be relevant to me so much. Other than when I make turkeys, I would buy, as I said before, the ground -- the ground pork because I put it in my stuffing.

But -- but, no, I don't know -- there's a chance in there you might see a bump up in me buying a ham at Easter time, but that's probably about it.

Q Okay.

1 CHAD NODLAND - CONFIDENTIAL

2 can buy sausage, sort of what was your
3 criteria for choosing one over the other?

4 A I don't know that I had a
5 criteria for that.

6 Here is what I can tell you,
7 and you can figure it out from here. I
8 tried to make a hot breakfast for my boys
9 every morning, and it can be hard to come
10 up with protein or meat products to give
11 them because they would get sick of things
12 if I only gave them sausage or only gave
13 them bacon every morning.

14 And so I try to rotate
15 things, and that's how I would -- and so
16 there wasn't really this or that, it was
17 get all of it, and then -- so I had a
18 variety to make for breakfast.

19 Q So it would just sort of be a
20 way to kind of cycle out different pork
21 products.

22 There was no real rhyme or
23 reason to it; is that fair to say?

24 A I would say there's rhyme and
25 reason to what I was doing.

VOLUME 1
PAGES: 1-109
EXHIBITS: See Index

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

_____)
IN RE:) No. 0:18-cv-01776-JRT-HB
_____)
PORK ANTITRUST LITIGATION)
_____)
_____)

VIDEOTAPED DEPOSITION of MICHAEL PICKETT

- CONDUCTED BY VIDEOCONFERENCE -

Wednesday, April 13, 2022

11:04 a.m. Eastern Daylight Time

Michelle Keegan, RMR, CRR

Lexitas

508-478-9795 ~ 508-478.0595 (Fax)

www.LexitasLegal.com

13:15:22 1 A. No.

13:15:23 2 Q. Okay.

13:15:29 3 MR. SAMELS: Can we please jump up to
13:15:31 4 page 7, which I think would be PDF page 15.
13:15:39 5 Perfect. Could you please zoom in on
13:15:43 6 Paragraph 15.

13:15:51 7 Q. Mr. Pickett, I'll give you a moment to
13:15:53 8 read that paragraph to yourself. Can you just let
13:15:56 9 me know when you're done.

13:15:58 10 A. Okay.

13:16:14 11 (Pause)

13:16:27 12 A. Okay.

13:16:27 13 Q. Have you heard the name "Tyson" before?

13:16:34 14 A. Yes.

13:16:37 15 Q. Do you recognize them as a pork company?

13:16:41 16 A. Pork and chicken. They do all types.

13:16:51 17 Q. Have you ever bought a Tyson pork product?

13:16:56 18 A. Occasionally because Tyson's is -- like I
13:17:10 19 said, they do all types. When it comes to Tyson,
13:17:13 20 they do chicken, pork, all of that.

13:17:15 21 So it was like occasionally when I want to
13:17:17 22 come to actually -- when it comes to actual
13:17:20 23 pork-pork, like I said, Smithfield or Oscar Meyer,
13:17:27 24 or something like that, or Hormel when it comes to
13:17:31 25 pork-pork.

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MINNESOTA

3

4

Court File No. 0:18-cv-01776-JRT-HB

5

IN RE:

6 PORK ANTITRUST LITIGATION

7

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9

ORAL VIDEOTAPED DEPOSITION

10

JOSEPH REALDINE

11

MARCH 31, 2022

12

13 ORAL VIDEOTAPED DEPOSITION OF JOSEPH REALDINE, via
14 Zoom, produced as a witness at the instance of the
15 Defendants Tyson Foods, Inc., Tyson Prepared Foods, Inc.
16 and Tyson Fresh Meats, Inc., and duly sworn, was taken
17 in the above-styled and numbered cause on the 31st day
18 of March, 2022, from 8:09 a.m. to 12:25 p.m. Hawaii
19 Standard Time, before Melinda Barre, Certified Shorthand
20 Reporter in and for the State of Texas, reported by
21 computerized stenotype machine, all parties appearing
22 remotely via web videoconference, pursuant to the rules
23 of procedure and the provisions stated on the record or
24 attached hereto.

25

1 how often you purchased pork chops from Costco?

2 A. I do not.

3 Q. Do you know the price of the pork chops that
4 you paid at Costco?

5 A. I do not.

6 Q. In terms of Date Purchased it says "monthly."
7 So is it fair to say that you purchased pork chops on a
8 monthly basis from Costco?

9 A. Yes. Could be. It's more of an average.

10 Q. So sometimes it might be more than once a
11 month, sometimes less. Is that fair?

12 A. Could be.

13 Q. Then for brand it lists several different
14 brands. Do you know what brand of pork chops you
15 purchased from Costco?

16 A. No, I don't. Hormel was basically bacon that
17 we used to purchase.

18 Q. So Hormel would be for bacon. Keoki's Kalua
19 pork would be for the Kalua pork. Is that correct?

20 A. Yes.

21 Q. So is it fair to say that other than bacon and
22 the Kalua pork all of the other pork products shown here
23 were Kirkland brand?

24 A. Could be. I'm not sure.

25 Q. And do you know the hog producer who produced

1 A. Yes, ma'am.

2 Q. And before I get into this line of questioning,
3 and I'll try to be clear but I am -- when I ask these
4 questions, I am talking about the time period between
5 2008 and 2018.

6 So between 2008 and 2018 which grocery
7 stores did you purchase pork at?

8 A. Malama Market and Foodland primarily.

9 Q. Did you say Malama?

10 A. Yes, Malama. It's just the name of a market.
11 Malama is Hawaiian to care for. Just the name of the
12 store, Malama.

13 Q. And what type of pork did you purchase at
14 Malama Market?

15 A. Pork loin, bacon, spare ribs, on occasion
16 ground pork, intact muscle, center-cut St. Louis ribs,
17 those kind of -- pork chops, those type of cuts.

18 Q. And between 2008 and 2018 how often would you
19 purchase pork at Malama Market?

20 A. I don't know.

21 Q. Would you purchase pork there every week?

22 A. Probably not.

23 Q. Would you purchase pork at Malama Market every
24 month?

25 A. Most likely.

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

- - -

IN RE: PORK ANTITRUST : No. 0:18-cv-
LITIGATION : 01776-JRT-HB

:
:
:
:

This Document Relates to :
All Actions :

- - -

WEDNESDAY, JUNE 1, 2022

HIGHLY CONFIDENTIAL

- - -

Remote Zoom Videotape Deposition of
MICHAEL REILLY, taken pursuant to Notice, in
Albuquerque, New Mexico, commencing at
approximately 9:02 a.m., Mountain Time, on the
above date, before Rose A. Tamburri, RPR, CM,
CCR, CRR, USCRA Speed and Accuracy Champion
and Notary Public.

- - -

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Mid-Atlantic Region
1801 Market Street - Suite 1800
Philadelphia, Pennsylvania 19103

Veritext Legal Solutions

215-241-1000 ~ 610-434-8588 ~ 302-571-0510 ~ 202-803-8830

1 products are raw or cooked?

2 MS. WANG: Object to form.

3 THE WITNESS: I don't know.

4 MR. BOXBAUM: All right. We
5 can -- I think we can take that document down
6 for now.

7 BY MR. BOXBAUM:

8 Q. I would like to ask you now generally
9 just about your own purchases of pork. For
10 the most part, the questions that I'm going to
11 ask you are going to relate to the 2008 to the
12 2018 time period, unless I specify otherwise.

13 Do you understand?

14 A. Yes.

15 Q. All right.

16 Generally, have you purchased pork
17 products in that time period?

18 A. Yes.

19 Q. And can you tell me what types?

20 A. Mostly we -- I purchased bacon, ham,
21 sausage and pork chops.

22 Q. When you buy bacon, is there any
23 particular type of bacon that you buy?

24 A. Almost always I would buy Hormel
25 Black Label.

1 Q. Can you tell me what Hormel Black
2 Label is?

3 A. It's a type of raw bacon.

4 Q. Is it flavored in any way?

5 A. I -- I would buy the plain, but I
6 also would buy the maple often.

7 Q. And the same with ham; can you tell
8 me what type of ham you would buy?

9 A. Usually it was my ex-wife who would
10 buy that, so I don't know that she had a ton
11 of brand loyalty to that. We -- both my
12 stepson and my son at that time did enjoy ham
13 quite a bit, so that would be something we
14 would buy pretty often.

15 Q. And do you know if that ham that any
16 member of your family bought was flavored in
17 any way?

18 A. Typically it was not. Sometimes
19 around the holidays, maybe Easter or
20 Christmas, we might do one of the -- the
21 honey-type hams.

22 Q. And when you say, "ham," is that
23 sliced sandwich meat ham?

24 A. No.

25 Q. Was it --

1 A. No, sir.

2 Q. Were they --

3 A. Those would have probably been -- my
4 apologies -- store bought, store brand.

5 Q. Did you buy them out of a deli case?

6 A. Usually they'd be pre-packaged.

7 Q. And they would be -- they would carry
8 the brand of the grocery store that you were
9 buying it from?

10 A. Yes, sir.

11 Q. Okay.

12 How -- from that time period of
13 2008 to 2018, how frequently did you buy pork
14 products?

15 MS. WANG: Object to form.

16 THE WITNESS: I would guess twice
17 a month at least.

18 BY MR. BOXBAUM:

19 Q. From 2008 until 2017, when you were
20 living with your ex-wife and two children, who
21 made the pork purchases?

22 A. It was probably a 60/40 split, that
23 she shopped more often.

24 Q. And did the purchases -- well, strike
25 that.

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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

-----X

IN RE PORK ANTITRUST LITIGATION,

Civil No.
18-cv-1776 (JRT/HB)

-----X

This Document Relates To:

All Consumer Indirect
Purchaser Actions

-----X

REMOTE VIDEOTAPED DEPOSITION
OF
ERIC SCHaub

Wednesday, April 20, 2022

Reported by:
AYLETTE GONZALEZ, RPR, CLR, CCR
JOB NO. 2022-839394

1 ERIC SCHAUB (4/20/22)

2 MR. AMARA: Objection; form.

3 A. I do not know.

4 Q. Where does Triumph Foods
5 harvest pigs?

6 A. I do not know.

7 Q. What pork products does Triumph
8 Foods produce?

9 MR. AMARA: Objection; form.

10 A. I do not know.

11 Q. Does Triumph Foods raise other
12 meat products like beef or chicken?

13 MR. AMARA: Objection;
14 foundation.

15 A. I do not know.

16 Q. Have you purchased any pork
17 produced by Tyson Foods?

18 MR. AMARA: Objection; form.

19 A. Yes.

20 Q. What pork products produced by
21 Tyson Foods have you purchased?

22 A. Pork chops.

23 Q. Where is Tyson Foods
24 headquartered?

25 A. I do not know.

1 ERIC SCHAUB (4/20/22)

2 harvest pigs?

3 A. I do not know.

4 Q. What pork products does

5 Seaboard Foods produce?

6 MR. AMARA: Same objection.

7 A. I do not know.

8 Q. To your knowledge, does

9 Seaboard Foods produce other meat products

10 like beef or chicken?

11 MR. AMARA: Objection; form.

12 A. I do not know.

13 Q. Have you purchased any pork

14 produced by Smithfield Foods?

15 MR. AMARA: Objection; form.

16 A. Yes.

17 Q. Do you know where Smithfield

18 Foods is headquartered?

19 A. No.

20 Q. Does Smithfield Foods raise its

21 own pigs?

22 MR. AMARA: Objection; form.

23 A. I do not know.

24 Q. Where does Smithfield Foods

25 harvest pigs?

1 ERIC SCHaub (4/20/22)

2 MR. AMARA: Objection to form.

3 A. To my understanding, analytics
4 about pork processing.

5 Q. Did all of the defendants
6 subscribe to Agri Stats?

7 MR. AMARA: Objection; form.

8 A. I'm sorry, could you repeat
9 that.

10 Q. Do you know if all the
11 defendants subscribed to Agri Stats?

12 MR. AMARA: Same objection.

13 A. I do not know.

14 Q. Have you heard of Hormel Foods
15 Corporation?

16 A. Yes.

17 Q. Have you purchased any pork
18 produced by Hormel Foods Corporation?

19 A. Yes.

20 Q. Do you know where Hormel Foods
21 Corporation is headquartered?

22 A. No.

23 Q. Do you know if Hormel Foods
24 Corporation raises its own pigs?

25 MR. AMARA: Objection to form.

1 ERIC SCHAUB (4/20/22)

2 A. We do weekly shopping, so once
3 a week.

4 Q. Okay. What cuts of pork would
5 you normally buy at a grocery store?

6 A. Pork butt, pork chops, bacon,
7 ground pork, ground sausage, sausage, and
8 bones when available.

9 Q. Did you ever purchase pork at a
10 wholesale club like Costco?

11 A. Yes.

12 Q. Where or what city is the
13 Costco you shop at located?

14 A. Again, I shopped at multiple
15 Costcos in Broward County and Miami Dade,
16 Florida.

17 Q. How often would you purchase
18 pork from Costco?

19 A. About once a month, we make
20 Costco trips.

21 Q. What cut of pork would you
22 normally buy at Costco?

23 A. At Costco, we get pork loin,
24 pork chops, and ground pork, when
25 available, as well as ribs.

1 ERIC SCHaub (4/20/22)

2 for a legal conclusion.

3 A. I'm not sure.

4 Q. All right. So looking at the
5 third column -- my apologies. The second
6 column is a list of pork products there. I
7 think we had talked and you said this
8 should also -- that you also purchased pork
9 bones and pork trotters; is that correct?

10 A. Correct, yes, sir.

11 Q. And then looking at the next
12 column, it says you purchased one time per
13 month at Costco, two times per month at
14 Walmart and two times per month at Publix;
15 did I read that correctly?

16 A. Yes, sir.

17 Q. How often do you purchase pork
18 products from Doris Italian Market?

19 A. It varies. About two times per
20 month.

21 Q. And to confirm, these numbers
22 mean -- or do these numbers mean the number
23 of times you purchased each listed pork
24 product at each store?

25 A. No, they represent a visit to

1
2 UNITED STATES DISTRICT COURT

3 DISTRICT OF MINNESOTA

4 -----
5
6 IN RE:

7 PORK ANTITRUST LITIGATION,

8 Case No.

9 0:18-cv-01776-JRT-HB
10 -----
11
12
13
14

15 REMOTE VIDEOTAPED DEPOSITION OF KATE SMITH
16
17
18

19 Monday, May 9, 2022

20 10:19 a.m. (CST)
21
22

23 Reported by:

24 Joan Ferrara, RMR, FCRR

25 Job No. 2022-843065

1 K. Smith

2 marked as Smith Exhibit 3, the amended
3 class action complaint.

4 A Okay.

5 Q Okay. Drawing your attention to
6 paragraph 226 of the complaint, do you see
7 that on my screen?

8 A I do.

9 Q So that paragraph reads:
10 Plaintiff Kate Smith was a resident at all
11 times of Bellevue, Nebraska during the
12 class period and while residing in Nebraska
13 plaintiff Smith indirectly purchased pork
14 and pork products for her own use and not
15 for resale that was produced by one or more
16 defendants or their co-conspirators.
17 Defendant Smith suffered injury as a result
18 of defendant's conduct alleged herein.

19 Did I read that correctly?

20 A You did.

21 Q Which defendants or
22 co-conspirators did you purchase pork from
23 between 2008 and 2018?

24 MR. AMARA: Objection. Form.

25 A I know I bought Smithfield,

1 K. Smith

2 Tyson and Hormel.

3 Q Do you know if the prices of
4 pork produced by defendants or
5 co-conspirators increased between 2008 and
6 2018?

7 A I assume they did. I don't know
8 they did.

9 Q So you don't -- just to confirm,
10 you don't know if prices increased -- if
11 pork prices increased between 2008 and
12 2018?

13 MR. AMARA: Objection. Form.

14 A No.

15 Q Do you know if the prices of
16 pork produced by defendants or their
17 co-conspirators ever decreased between 2008
18 and 2018?

19 A No.

20 Q Okay. I'm going to share my
21 screen with you again.

22 A Okay.

23 Q Are you able to see my screen?

24 A I am.

25 Q Okay. I'm showing you what I've

1 K. Smith

2 grocery stores that you purchase pork
3 products from?

4 A Bakers, Walmart, Family Fare.

5 Q What cities are these grocery
6 stores located in?

7 A Bellevue, Papillion.

8 Q How do you spell Papillion?

9 A Yeah, it's P-A-P-I-L-L-I-O-N.

10 Q Is that in Nebraska?

11 A Correct.

12 Q How often would you purchase
13 pork products from these grocery stores?

14 A At least once a week, maybe
15 twice a week.

16 Q How much pork would you purchase
17 when you would purchase pork?

18 A I'm sorry, I don't understand
19 that question.

20 Q How many pounds of pork would
21 you purchase when you would go to the
22 grocery store, generally?

23 MR. AMARA: Objection. Calls
24 for speculation.

25 A Maybe 2 pounds.

Page 1

1
2 UNITED STATES DISTRICT COURT
3 DISTRICT OF MINNESOTA
4 Case No. 0:18-cv-01776-JRT-HB
5 -----
6
7 IN RE:
8 PORK ANTITRUST LITIGATION
9
10 -----
11
12
13
14 REMOTE VIDEO DEPOSITION OF SANDRA STEFFEN
15
16 Friday, April 29, 2022
17 11:00 a.m. (PT)
18
19
20
21
22 Reported by:
23 Joan Ferrara, RMR, FCRR
24 Job No. 2022-837310
25

Page 2

1
2
3
4 April 29, 2022
5 11:00 a.m. (PT)
6
7
8
9 Videotaped Deposition of SANDRA
10 STEFFEN, held remotely via Zoom, before
11 Joan Ferrara, a Registered Merit Reporter,
12 Federal Certified Realtime Reporter and
13 Notary Public.
14
15
16
17
18
19
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22
23
24
25

Page 3

1
2 REMOTE APPEARANCES:
3
4 KIRKLAND & ELLIS LLP
5 Counsel for Clemens Food Group, LLC and The
6 Clemens Family Corporation
7 60 East South Temple Street
8 Salt Lake City, Utah 84111
9 BY: BRYANT WATSON, ESQ.
10 JENNA STUPAR, ESQ.
11
12
13 GUSTAFSON GLUEK PLLC
14 Counsel for Consumer Indirect Purchasers and
15 The Witness
16 120 South 6th Street
17 Suite 2600
18 Canadian Pacific Plaza
19 Minneapolis, Minnesota 55402
20 BY: LING S. WANG, ESQ.
21
22
23 ALSO PRESENT:
24 CAYLOB SUAREZ, Videographer
25

Page 4

1
2 ----- I N D E X -----
3 WITNESS EXAMINATION BY PAGE
4 SANDRA STEFFEN MR. WATSON 6
5
6
7 DOCUMENT REQUEST: PAGE
8 1) Three receipts not already
9 produced 77
10
11
12 ----- EXHIBITS -----
13 STEFFEN FOR ID.
14 (PROVIDED ELECTRONICALLY TO REPORTER)
15 Exhibit 1 Resumé of Sandra Steffen 27
16 Exhibit 2 Document 32
17 Exhibit 3 Receipts 63
18 Exhibit 4 Receipts 71
19 Exhibit 5 Receipt 73
20 Exhibit 6 Updated Resumé of Sandra
21 Steffen 90
22 Exhibit 7 Bankruptcy petition 99
23
24
25

Page 17

1 S. STEFFEN
2 **A. 45 Isabelle, Camarillo,**
3 **California 93012.**
4 Q. And who lives there?
5 **A. I do.**
6 Q. Anyone else?
7 **A. No.**
8 Q. Has anyone else -- strike that.
9 Have you shared a household with
10 anyone since 2009?
11 **A. Yes.**
12 Q. Who?
13 **A. When I first moved to California,**
14 **I looked at my nephew's house.**
15 Q. About how long did you live at
16 your nephew's house?
17 **A. Six months.**
18 Q. And where does he live?
19 **A. Thousand Oaks.**
20 Q. And how many people live there?
21 **A. Just he and I did.**
22 Q. Is he a vegetarian?
23 **A. No.**
24 Q. Are you?
25 **A. No.**

Page 18

1 **S. STEFFEN**
2 Q. Did you both eat pork?
3 **A. Yes.**
4 Q. Who did the cooking in the house?
5 **A. Both of us.**
6 Q. Who is the better cook?
7 **A. Depends on your taste. If you**
8 **like spicy, it was Michael. If you like**
9 **meat and potatoes, it was me.**
10 Q. Fair enough.
11 Who did the grocery shopping?
12 **A. Both of us.**
13 Q. And did you share food that you
14 purchased?
15 **A. Yes.**
16 Q. Did you keep track of who was
17 buying what and sort it out later of who
18 owed what for a given item?
19 **A. No.**
20 Q. So you shared a refrigerator?
21 **A. Yes.**
22 Q. What was his favorite type of
23 pork?
24 **A. Probably bacon.**
25 Q. What brand of bacon?

Page 19

1 S. STEFFEN
2 **A. I don't know that there was a**
3 **favorite. I tend to buy in all aspects of**
4 **groceries, name brands.**
5 Q. Why is that?
6 **A. Why is that? Years ago in food**
7 **purchases, I have not had very good luck**
8 **with store brands or off brands, so I just**
9 **don't do it.**
10 Q. What happened with the off
11 brands?
12 **A. It's so silly. I brought a can**
13 **of green beans, it was a store brand, or no**
14 **brand or something. It wasn't a nationally**
15 **recognized brand. And when I opened up the**
16 **can of green beans, it was full of -- I**
17 **want to say sticks, but it's the part that**
18 **the beans attach to the plant by.**
19 Q. Stems.
20 **A. Stems, thank you.**
21 **And I was very put off by that**
22 **and decided that's what off brands gave you**
23 **and I wasn't getting the value for my**
24 **money, so...**
25 Q. Are you willing to pay a higher

Page 20

1 S. STEFFEN
2 price for name brand of a bacon that you
3 recognize?
4 **A. Yes.**
5 Q. Are you willing to pay a higher
6 price for a name brand of a work product
7 that you recognize?
8 **A. Yes.**
9 **Q. Do you have any particular pork**
10 **brands that you look to when you go to the**
11 **grocery store?**
12 **A. Name brands that everybody knows,**
13 **Hormel, Tyson.**
14 Q. Thank you.
15 And when you were living with
16 your nephew, what was your favorite pork?
17 **A. Probably what I ate the most of**
18 **was bacon, but ham also.**
19 Q. What kind of ham?
20 **A. I really like Hillshire Farms,**
21 **ham lunch meat.**
22 Q. Any particular smoking or flavor
23 of the ham meat?
24 **A. Honey, usually honey ham.**
25 Q. Was that for lunch?

Page 37

1 S. STEFFEN
2 **A. Butter.**
3 Q. And how about meat?
4 **A. Meat goes on sale.**
5 Q. What cuts of meat do you get the
6 best deals on when it goes on sale?
7 MS. WANG: Object to form.
8 **A. Pork chops, bacon, sometimes**
9 **lunch meat, ground beef.**
10 Q. Does the Hillshire Farms lunch
11 meat ever go on sale?
12 **A. Yes, it does.**
13 Q. And how much of that will you buy
14 when that goes on sale?
15 MS. WANG: Object to form.
16 **A. It depends on the type of year**
17 **actually. In the summer I have a tendency**
18 **to eat more sandwiches than I do in the**
19 **winter. So if it's on sale in the summer,**
20 **I might purchase two packages.**
21 Q. Thank you.
22 **A. I don't buy large quantities of**
23 **stuff typically because it's only me I'm**
24 **cooking for now.**
25 Q. Since you're cooking for only

Page 38

1 S. STEFFEN
2 yourself, do you believe you end up paying
3 a slightly higher price for pork?
4 MS. WANG: Object to form.
5 **A. I'm sorry, could you repeat that,**
6 **please?**
7 Q. I'll ask it a different way.
8 Do you buy large packages of pork
9 where the price of the pork has been
10 reduced because you're buying a large
11 amount of it?
12 MS. WANG: Object to form.
13 **A. I would venture to say I do --**
14 **like Costco has the best pork chops ever**
15 **and those are a large quantity package.**
16 Q. When is the last time that you
17 bought those, would you say?
18 **A. From Costco, it's been a while.**
19 **I bought some at a store -- I don't know**
20 **exactly when it was. It's on one of my**
21 **receipts.**
22 Q. How do you prepare the pork
23 chops?
24 **A. Usually I bread them and fry**
25 **them.**

Page 39

1 **S. STEFFEN**
2 Q. What kind of pork besides pork
3 chops do you eat?
4 **A. Pork roast, ham, bacon.**
5 Q. Do you eat pulled pork?
6 **A. Pardon me?**
7 Q. Do you eat pulled pork?
8 **A. No, I don't.**
9 Q. Do you eat sausage?
10 **A. Once in a while.**
11 Q. Do you eat hot dogs?
12 **A. Yes.**
13 Q. What kind of hot dogs do you
14 like?
15 **A. For the most part I buy all-beef**
16 **hot dogs.**
17 Q. Why is that?
18 **A. I like the taste of them better.**
19 Q. When you lived with your nephew,
20 did he have a preference on hot dogs?
21 **A. No.**
22 Q. He ate the all-beef?
23 **A. He ate everything.**
24 Q. Is there any type of pork that
25 you buy every week?

Page 40

1 S. STEFFEN
2 **A. No, there is nothing I buy every**
3 **week.**
4 Q. How about every month?
5 **A. Probably not. Typically when I**
6 **buy -- the thing I buy the most of is**
7 **bacon, I eat a lot of bacon, and typically**
8 **what I have been doing is buying it from**
9 **Costco and you get in the package from**
10 **Costco, you get four one-pound packages.**
11 **So that lasts me a while. So**
12 **every two to three months I'm baking bacon,**
13 **though. And again, it depends on what I'm**
14 **doing. If I'm dieting I eat a lot more**
15 **bacon and pork, you know, chops and beef**
16 **than I do when I'm not dieting.**
17 Q. Does your diet require you to eat
18 more meat?
19 **A. When I go on a diet, yes. I go**
20 **on high protein diets, low carbohydrate.**
21 Q. How often do you diet?
22 **A. Oh, maybe once a year.**
23 Q. Does Costco have discounts for
24 pork?
25 MS. WANG: Object to form.

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Court File No. 0:18-cv-01776-JRT-HB

IN RE:

PORK ANTITRUST LITIGATION

ORAL VIDEOTAPED DEPOSITION

JENNIFER SULLIVAN

APRIL 15, 2022

ORAL VIDEOTAPED DEPOSITION OF JENNIFER SULLIVAN, via
Zoom, produced as a witness at the instance of the
Defendant Seaboard Foods, LLC and Seaboard Corporation,
and duly sworn, was taken in the above-styled and
numbered cause on the 15th day of April, 2022, from
10:32 a.m. to 2:05 p.m., before Melinda Barre, Certified
Shorthand Reporter in and for the State of Texas,
reported by computerized stenotype machine, all parties
appearing remotely via web videoconference, pursuant to
the rules of procedure and the provisions stated on the
record or attached hereto.

1 Q. No worries. So I'll just read this out loud.
2 It says, "Plaintiff Jennifer Sullivan was a resident at
3 all relevant times of Elk River, Minnesota. During the
4 class period and while residing in Minnesota, Plaintiff
5 Sullivan indirectly purchased pork and pork products for
6 her own use and not for resale that was produced by one
7 or more defendants or their co-conspirators. Plaintiff
8 Sullivan suffered injury as a result of defendants'
9 conduct alleged herein."

10 Did I read that correctly?

11 A. Yes, you did.

12 Q. All right. Do you have a recollection of which
13 defendants or co-conspirators you purchased pork from
14 between January 2009 and the present?

15 MS. WANG: Object to form.

16 A. You want -- I'm sorry. Can you say that again?
17 You just want the names?

18 Q. (By Mr. Ripa) Yeah. Which defendants or
19 co-conspirators did you purchase pork from between
20 January 2009 and present?

21 MS. WANG: Object to form.

22 A. Hormel, Smithfield. Well, Tyson but that's --
23 those are the main ones.

24 Q. (By Mr. Ripa) Okay. Can you tell me as a
25 matter of fact that the prices of pork produced by

1 that are listed on row 79 here.

2 We've talked about hams. Did you buy any
3 pork loins?

4 MS. WANG: Object to form.

5 A. Loin, no, no, unless it's a roast.

6 Q. (By Mr. Ripa) Did you buy any pork shoulders?

7 MS. WANG: Object to form.

8 A. Yes.

9 Q. (By Mr. Ripa) Do you recall what brand of pork
10 shoulders you purchased?

11 MS. WANG: Object to form.

12 A. Cub Foods.

13 Q. (By Mr. Ripa) How often did you buy pork
14 shoulders during the class period?

15 A. Once a month.

16 MS. WANG: Same objection.

17 Q. (By Mr. Ripa) Do you have an understanding of
18 why pork shoulders are not listed on this appendix A if
19 you bought those once a month during the class period?

20 A. They're roasts.

21 Q. Okay. So you would include pork shoulder under
22 pork roasts?

23 MS. WANG: Object to form.

24 A. Yeah. That's what I had said at the beginning,
25 if the pork shoulder is a roast.

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

-----x
IN RE: PORK ANTITRUST LITIGATION 0:18-cv-01776
-----x JRT-HB

VIDEOTAPED STENOGRAPHIC DEPOSITION OF:
STACEY M. TROUPE
Thursday, April 7, 2022
8:31 a.m. - 11:46 a.m.
Reported Remotely through Videoconference

Reported stenographically by:
Richard Germosen, CA CSR No. 14391
RDR, CRR, CCR, CRCR, CSR-CA, NYACR, NYRCR
NCRA/NJ/NY/CA Certified Realtime Reporter
NCRA Realtime Systems Administrator
Job No. 2022-838202

1 A. I don't know.

2 Q. Have you heard of Smithfield Foods?

3 A. Yes.

4 Q. Have you purchased any pork produced
5 by Smithfield Foods?

6 A. Pretty sure I have.

7 Q. Where is Smithfield Foods
8 headquartered?

9 MR. AMARA: Objection. Foundation.

10 A. I don't know.

11 Q. Does Smithfield Foods raise its own
12 pigs?

13 MR. AMARA: The same objection.

14 A. I don't know.

15 Q. Where does Smithfield Foods harvest
16 pigs?

17 MR. AMARA: The same objection.

18 A. And I don't know.

19 Q. What pork products does Smithfield
20 Foods produce?

21 MR. AMARA: The same objection.

22 A. I don't know.

23 Q. Does Smithfield Foods produce other
24 meat products, like beef or chicken?

25 MR. AMARA: The same objection.

1 A. I don't know, sir.

2 Q. Have you heard of Tyson Foods?

3 A. Yes.

4 Q. Have you purchased any pork produced
5 by Tyson Foods?

6 A. Yes.

7 Q. Where is Tyson Foods headquartered?

8 MR. AMARA: Objection. Foundation.

9 A. I don't know.

10 Q. Does Tyson Foods raise its own pigs?

11 MR. AMARA: The same objection.

12 A. I don't know.

13 Q. Where does Tyson Foods harvest pigs?

14 MR. AMARA: The same objection.

15 A. I don't know.

16 Q. What pork products does Tyson Foods
17 produce?

18 MR. AMARA: The same objection.

19 A. All kind of products.

20 Q. Does Tyson Foods produce other meat
21 products, like beef or chicken?

22 MR. AMARA: Objection. Foundation.

23 A. I don't know.

24 Q. What pork products manufactured or
25 produced by Smithfield Foods have you purchased?

1 MR. AMARA: Objection. Asked and
2 answered. Objection. Calls for speculation.

3 A. And I said I don't know.

4 Q. Okay. Are you familiar with the
5 company called Agri Stats?

6 A. No.

7 Q. Is that a no?

8 A. That's a no.

9 Q. Have you heard of Hormel Foods
10 Corporation?

11 A. Oh, yeah.

12 Q. Have you purchased any product
13 produced by Hormel Foods Corporation?

14 A. Yes.

15 Q. Do you know where Hormel Foods
16 Corporation is headquartered?

17 A. No.

18 MR. AMARA: Objection. Foundation.

19 A. And no is my answer.

20 Q. Do you know if Hormel Foods --

21 A. Do I know if Hormel Foods what?

22 Q. Do you know if Hormel Foods raises
23 its own pigs?

24 MR. AMARA: Objection. Form.

25 A. No, I don't know.

1 Q. Okay. So where are these grocery
2 stores located at?

3 A. Anywhere between San Francisco and
4 Fremont.

5 Q. Okay. Would you purchase pork from
6 the grocery store or how often would you purchase
7 pork from a grocery store?

8 A. Whenever I felt the need.

9 Q. Was that once a week?

10 A. Whenever I felt the need. It could
11 be once a week. It could be twice a week. It
12 varied.

13 Q. What cuts of pork would you normally
14 buy at a grocery store?

15 A. I thought we did this already.

16 Q. Which of the cuts that we previously
17 discussed would you purchase at a grocery store?

18 A. I don't remember.

19 Q. I think you said you'd purchased pork
20 at Costco; is that right?

21 A. I have.

22 Q. Where is the Costco you shop at
23 located?

24 A. It used to be in San Francisco on
25 Eighth Street, then San Mateo Hayward and Fremont in

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PAGES: 1-128
EXHIBITS: See Index

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

_____)	
IN RE:)	No. 0:18-cv-01776-JRT-HB
)	
PORK ANTITRUST LITIGATION)	
)	
_____)	

VIDEOTAPED DEPOSITION of LAURA WHEELER

- CONDUCTED BY VIDEOCONFERENCE -

Tuesday, April 5, 2022

9:03 a.m. Eastern Standard Time

Michelle Keegan, RMR, CRR

Lexitas

508-478-9795 ~ 508-478.0595 (Fax)

www.LexitasLegal.com

09:58:07 1 MR. RISSMAN: I object to form.

09:58:08 2 A. No.

09:58:09 3 Q. Okay. Ms. Wheeler, what factual basis do
09:58:13 4 you have for saying that these products varied
09:58:14 5 from week to week?

09:58:17 6 MR. RISSMAN: I object to form.

09:58:18 7 A. Because that's how I shop.

09:58:20 8 Q. But you can't state what the prices were
09:58:23 9 at any given time?

09:58:24 10 A. No.

09:58:25 11 Q. And so you can't recall any specific
09:58:28 12 increase or decrease in the price at any given
09:58:31 13 time?

09:58:31 14 A. No.

09:58:33 15 Q. Now, Ms. Wheeler, you'll see there's a
09:58:39 16 column labeled "brand" at the top. Is that
09:58:42 17 correct?

09:58:42 18 A. Yes.

09:58:42 19 Q. Okay. And then for you, it says in that
09:58:46 20 column, "Smithfields, Hormel, Jimmy Dean, and
09:58:49 21 Butcher cut." Is that correct?

09:58:50 22 A. Yes.

09:58:51 23 Q. And did you purchase any products from any
09:58:54 24 other brands? Pork products, that is.

09:58:57 25 A. Not that I remember.

09:56:12 1 you did not purchase pork every other week from
09:56:15 2 BJ's in Middletown, Rhode Island?

09:56:16 3 A. Repeat the question, please.

09:56:21 4 Q. Sure. So did you purchase pork every
09:56:23 5 other week from BJ's in Middletown, Rhode Island,
09:56:27 6 from 2015 to 2018?

09:56:28 7 A. Yeah.

09:56:30 8 Q. Okay. Now, you'll see there's a price
09:56:36 9 column on Exhibit A. It says, "price paid" at the
09:56:39 10 top. Is that correct?

09:56:40 11 A. Uh-hmm. Yes.

09:56:41 12 Q. All right. And then as to you in that
09:56:45 13 column it says "varied." Is that correct?

09:56:47 14 A. Yes.

09:56:48 15 Q. So does that mean that the price of the
09:56:52 16 products that you purchased every other week from
09:56:53 17 BJ's varied?

09:56:55 18 A. Yes.

09:56:56 19 Q. Okay. And in what way did they vary?

09:56:59 20 A. Depending what you purchased.

09:57:03 21 Q. As to those specific pork products, did
09:57:06 22 the prices of those specific pork products vary?

09:57:08 23 A. Yes.

09:57:09 24 Q. Okay. And again, in what way did they
09:57:12 25 vary?

Consumer	where purchased from	pork product	amount purchased	price paid	date(s) of purchase	brand	hog producer	hog processor
Jeffrey Allison	Ideal Food Basket, 1301 Church Ave, Brooklyn, NY	ground pork, pork shoulder	1 each	Pork shoulder was roughly \$20 per package; ground pork varied	Once a month from March 2017 to the present	Indiana Packers		
	Key Food, 1610 Cortelyou Rd, Brooklyn, NY	pork shoulder, bacon	1 each	varied	Once a month from September 2013 to March 2017	Indiana Packers		
	R&R Meat Market, 1624 Cortelyou Rd, Brooklyn, NY	pork shoulder	1 each	varied	Once every three months from September 2013 to March 2017			
	Paisanos Butcher Shop, 162 Smith St Brooklyn, NY 11201	Pork spare ribs, boneless chops, pork butt	varied	varied	Semiregularly, from roughly 2018 to the present	Hatfield		
	Whole Foods, 214 3rd St Brooklyn, New York 11215	sausage patties	varied	varied	Semiregularly, from roughly 2018 to the present	Applegate		
Michael Anderson	Costco	loin, shoulder, butt, chops		varied	2/month since 2009	kirkland		
	Sam's Club	loin, shoulder, butt, chops		varied	2/month since 2009	Sam's Club		
	Safeway	loin, shoulder, butt, chops		varied	2/month since 2009	Smithfield / Hormel		
	Alberta's	loin, shoulder, butt, chops		varied	2/month since 2009	Smithfield / Hormel		
	Winnco	loin, shoulder, butt, chops		varied	2/month since 2009	Smithfield / Hormel		
Duncan Birch	BJ's Warehouse	bacon, ham	5-6 packages total	approx \$10	fall 2017 to present	Smithfield / Hormel		
	C-Town Brooklyn, NY	bacon	5-10 packages	approx \$5	2013-2018			
	Model T Meats, Brooklyn, NY	bacon, loins, chops	20-30 packages	varies	2013-2018	Liedy's		
Kory Bird	Sam's Club, Des Moines, IA	precooked bacon	2 packages		8/7/2018	Hormel		
	HyVee, Johnston, IA	pork chops	4 chops		July 2018	Iowa Chops		
Edwin Blakey	Hannaford	Bacon; Pork loin; Ham; Sausage;			once a month	store brand; Jimmy Dean sausage; Hormel bacon and sausage		
Jordan Chambers	Meijer, Portage, MI	pork loin	2 packages		8/1/2018	Tyson, Hormel		
		pork shoulder	1 package		7/4/2018	Tyson, Hormel		
Donya Collins	Sam's Club							
	Costco							
	Winco, Midvale, UT	bacon; sausage; ham; pork chops; ground pork; pork loin	1 package	varied	once per week			
Thomas Cosgrove	Costco	pork ribs; salt pork; bacon						
	Shaw's, Vergennes, VT	pork roast	2 packages	\$7 00	8/13/2018	Hormel		
		tenderloin	1	\$7 99	8/13/2018	Smithfield		
		cubed ham	1	\$4 98	8/13/2018	Smithfield		
		pork loins	2	\$13 98	3/26/2021	Hormel		
		bacon	1	\$11 49	11/25/2020	Smithfield		
		pork chops	1	\$4 99	3/26/2021	Vermont Country Farms		
		Maple ham	1lb	\$9 26	10/16/2020	McKenzie		
Chris Deery	Costco, West Fargo, ND	bacon	3 packages	varied	once a month from May 2017 to current	Kirkland		
		links	1 bag	varied	once a month from May 2017 to current	Hormel		
	Hornbachers, 32nd Ave S, Fargo, Nd	patties	1 package	varied	June 2016 to current	Hormel		
	Cashwise, West Fargo, ND	sausage	1 package	varied	July 2018	Cashwise brand		
Wanda Duryea	Walmart	Ham; Pork loin; bacon; pulled pork		varied	once per month or more	Hormel, Smithfield, Oscar Meyer, store brand		
	Sam's Club	ham; pork loin; pork chops; pork roasts; bacon		varied	once per month or less	Hormel, Smithfield, Oscar Meyer, store brand		
	BJs	ham; pork loin; pork chops; sasuage; pork roasts; bacon		varied	once per month or less	Hormel, Smithfield, Oscar Meyer, store brand		

Consumer	where purchased from	pork product	amount purchased	price paid	date(s) of purchase	brand	hog producer	hog processor
	Costco	ham; pork loin; pork chops; bacon		varied	once per month or less	Hormel, Smithfield, Oscar Meyer, store brand		
	Market Basket	ham; pork loin; pork chops; sausage; pork roasts; bacon		varied	twice per week or more	Hormel, Smithfield, Oscar Meyer, store brand		
Charles Dye	Costco							
	Sam's Club, Beckley WV; Walmart, Fayetteville WV; Kroger, Oak Hill WV; Foodline, Summersville WV	bacon	bulk packages at Sam's Club; individual packages at stores	varies	once a month	Sam's Club brand, varies at others stores		
		sausage	1	varies	once a month	Jimmy Dean sausage, Johnsonville brats, Hickory Farms summer sausage		
		pork chops		varies	once a month			
		ribs		varies	twice a year			
		ham		varies	every two weeks	deli dept		
Robert Eccles	Meijer	bacon		varied	once a month throughout class period	Oscar Meyer		
		smoky links		varied	4 times a year throughout class period	Eckrich		
Christina Hall	Walmart	Bacon; Pork chops; Pork loin; Ground pork ;		varied	once a month 2 bacon, 2 chops, ground sausage x2 and then freeze	Wright's bacon; walmart brand for others; Johnsonville sausage; Caroline Pride bologna		
	Bi-Lo	Bacon; Pork chops; Pork loin; Ground pork ;		varied	alternate months			
	Sam's	Bacon; Pork chops; Pork loin; Ground pork		varied	alternate months			
Kenneth King	Walmart, 1307 State Hwy K, O'Fallon, MO 63366	bacon, pork chops, ham	2 bacon, 10 chops, 2 packs of ham	bacon \$4 00; chops \$6 00/pack; ham \$5 00	8/3/2018	Fresh Pork		
	County Market, 11 Winfield Plaza, Winfield, MO, 63389	pork tenderloins	4 packs	\$6 88/pack	8/8/2018			
Kenneth Neal	Food Lion, 525 Jake Alexander Blvd W,	Bacon	2 packs		7/27/2018	Hormel		
		pork shoulder	1		7/10/2018			
Chad Nodland	Sam's Club							
	Dan's Supermarket; Bismarck, ND (2 stores: Arrowhead Plaza and S Washington St)	bacon; little sizzlers	2-3 packages	\$4 00	2x/month from 1/1/2009 to present	Hormel		
Michael Pickett	Sam's Club							
	Shoppers, District Heights, Maryland	bacon, sausage, deli ham, pork chops	1 package each	varied	1 time per month	Oscar Meyer, Hampshire, various others		
	Giants, Marlow Heights, Maryland							
Joseph Realdine	Costco, 94-1231 Ka Uka Blvd, Waipahu, Oahu, HI	pork ribs (seasoned St Louis Ribs - Dry Rub Ribs)		\$20 79	8/10/2018	Kirkland		
		pork chops; pork loins; kalua pork; bacon; italian sausage (cooked/raw); pork ribs			monthly	Keoki's Kalua Pork; Kirkland brand; Hormel brand for raw pork items		
Michael Reilly	Smith's, Albuquerque	Bacon; Ham; Pork loin;			once a month	Hormel bacon		
	Walmart	ham; pork loins			since 2020, wife does shopping	Walmart brand ham		
		bacon			once a season	Kroger, Hormel, Oscar Meyer, Smithfield		

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Sandra Steffen	Kroger / Ralph's	ham			once a season	Kroger spiral ham, Hillshire Farms honey ham lunch meat		
	Costco	ham steaks				Kirkland		
Jennifer Sullivan	Cub Foods; Walmart; Target, Aldi's	Pork chops; Ham; Bacon; pork roasts; delisliced lunch meat			once a month	Hormel, Smithfield, Jimmy Dean's, Schweigert, Hillshire Farm, Oscar Meyer, store brands		
Craig Thomsen	HyVee, North Fork, NE	bacon, pork chops, ribs	1 package	\$4 99 (bacon)	every other week	Hormel		
	Pac N Sav, Wayne, NE	bacon, pork chops, ribs	2 package		every other week	Hormel		
Laura Wheeler	BJ's, 173 East Main Rd, Middletown, RI	ribs, bacon, sausage, chops, roast	multiple	varied	varied through the last 3 years; every other week	Smithfields, Hormel, Jimmy Dean, Butcher cut		
Ryan Kutil	County Market, Champaign, IL	pork chops	1 package	\$6 00	weekly			
		brats	1 package	\$5 00	monthly	Johnsonville		
		sausage	1 package	\$3 00	monthly	Jimmy Dean		
		ribs	1 package	\$10 00	monthly			
David Look	Safeway, 848 Ala Lilikoi St, Times Supermarket, 1772	Spam	1 package		monthly	Hormel		
		Bacon	1 package	\$5 00	every 4-6 months			
		Bologna	1-2 packages	\$4-\$5	every 4-6 months	Sugardale		
		Cotto Salami	1-2 packages	\$4-\$6	every 4-6 months	Oscar Meyer		
Stacy Troupe	Foodmaxx Costco Smart n Final	bacon	1 package per month	varied	2014-2021	Aidells Johnsonville Jimmy Dean Farmer Johns Banquet		
		ham shank						
		pork chops	8 per month					
		sausage links						
		ham steak						
		pork rinds						
James Eaton	HyVee, Overland Park South	sausage		varied				
		canadian bacon				Hormel		
		ham		varied		HyVee		
		brats		varied		Johnsonville		
Isabelle Bell	Korger's	Sausages, breakfast sausages, pork roasts, pork chops	Various amounts since at least 2011	varied	Twice per month and purchase pork each time at least for the past 10 years	Smithfield, Korger Brand, Hillshire Farms, Oscar Meyer, Hormel		
Sarah Isola	Sam's Club 7100 Arroyo Crossing Pkwy, Las Vegas, NV	pork ribs	1 package	\$21 62	10/4/2019	Member's Mark		
		bacon	1 3lb package	\$11 38	10/16/2019	Member's Mark		
		bacon	1 3lb package	\$9 56	11/4/2019	Member's Mark		
		pork ribs	1 package	\$22 14		Member's Mark		
		bacon	1 3lb package	\$10 81				
		sausage	1 2lb package	\$5 58	11/12/2019			
		pork chorizo	1 package	\$6 58		El Mexicano		
		Boston Butt	1 package	\$9 23		Member's Mark		
		Boston butt	1 package	\$11 44		Member's Mark		
		loin roast	1 package	\$6 90	11/26/2019	Member's Mark		
		bacon	1 3lb package	\$10 52		Member's Mark		
		bacon	1 3lb package	\$8 98	3/18/2020	Member's Mark		
		pork ribs	3 pack package	\$26 94	5/15/2020	Member's Mark		
		bacon	1 3lb package	\$9 48	8/24/2020	Member's Mark		
		boston butt	1 package	\$9 04		Member's Mark		
		pork ribs	3 pack package	\$30 04	11/10/2020	Member's Mark		
		country ribs	1 package	\$8 13		Member's Mark		
		bacon	1 package	\$16 44		Farmer John		
		pork ribs	3 pack package	\$29 58	12/30/2020	Member's Mark		
		pork ribs	3 pack package	\$38 50	1/15/2021	Member's Mark		
		pork ribs	3 pack package	\$46 32	10/15/2021	Member's Mark		
		bacon crumbles	1 package	\$9 97	4/1/2020	Member's Mark		
		bacon crumbles	1 package	\$8 88		Member's Mark		
		Applewood bacon	1 package	\$18 98	5/19/2021	Wright		
		Hot Link sausage	1 package	\$7 98		Evergood		
		Pork chorizo	1 package	\$7 28		El Mexicano		
		bacon crumbles	1 package	\$12 97	10/20/2021	Member's Mark		
		ham butt	1 package	\$1 49 per lb	8/6/2020	Sugardale		
		sausage links	1 package	\$10	11/21/2021	Denmark		
		ham butt	1 package	\$1 69 per lb		Sugardale		
	Smith's Grocery 601 S Hwy	ham butt	1 package	\$1 49 per lb	8/6/2020	Sugardale		
		ham butt	1 package	\$1 69 per lb	11/21/2021	Sugardale		
		sausage links	1 package	\$10	11/21/2021	Denmark		

Consumer	where purchased from	pork product	amount purchased	price paid	date(s) of purchase	brand	hog producer	hog processor
Eric Schaub	Walmart (Broward County, FL) Costco (Broward County), Publix & Doris Italian Market (Pembroke Pines)	Bacon, Ribs, pork belly, pork loin, Pork Sausage, and Breakfast Sausage Links and Patties	1 time per month at Costo, 2 times per month at Walmart, 2 times per month at Publix	varied	Numerous times during period	Smithfield, Swift, IPP		
Kate Smith	Walmart 105045 S 15th St Bellevue NE 68123	bacon	1 package per month	varied	Several times during period	Hormel		
		sausage roll	1 package per month	varied	Several times during period	Jimmy Dean		
	Bakers 801 Galvin Rd Bellevue NE 68005	pork loin	1 package	\$5 99	2016 - present	Smithfield		
		cubed ham	1 package	varied	every couple months since 2016	Smithfield		
	Bakers 3614 Twin Creek Drive Bellevue NE 68123	ham steak	2 packages	\$2 79 each	Several times during period	Smithfield		